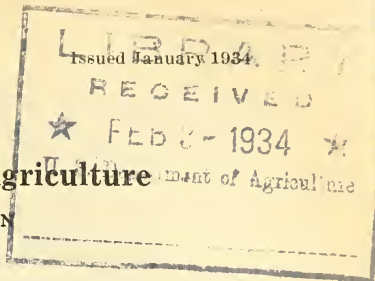


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20401-20550

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 6, 1934]

20401. Adulteration of canned tomato catsup. U. S. v. 347 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28255. I. S. no. 53688. S. no. 6115.)

This action was based on the shipment of a quantity of canned tomato catsup, samples of which were found to contain excessive mold.

On April 29, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 347 cases of tomato catsup, remaining in the original unbroken packages at Tyler, Tex., alleging that the article had been shipped in interstate commerce, on or about November 24, 1931, by the Currie Canning Co., from Grand Junction, Colo., to Tyler, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Colorado Columbine Brand Tomato Catsup Packed by the Currie Canning Co., Grand Junction, Colorado."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On October 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20402. Misbranding of butter. U. S. v. William Louis Korter (Idaho Dairy Products Co.). Plea of guilty to count 2. Count 1 dismissed. Fine, \$100. (F. & D. no. 27465. I. S. no. 12522.)

This action was based on the interstate shipment of a quantity of butter which was not properly labeled to indicate the quantity of the contents, since samples taken from the shipment were found to contain less than 16 ounces, the amount declared on the label.

On November 17, 1931, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William Louis Korter, trading as the Idaho Dairy Products Co., Moscow, Idaho, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 8, 1931, from the State of Idaho into the State of Washington, of a quantity of butter that was misbranded. The article was labeled in part: "Idaho State Creamery Butter 16 Ounces Net When Packed * * * Moscow Brand Made by The Moscow Creamery, Moscow, Idaho."

It was alleged in count 1 of the information that the article was misbranded in that the statement "16 Ounces Net", borne on the packages, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the packages did not contain 16 ounces net, but did contain a less amount. Misbranding was alleged in count 2 of the information for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

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On November 10, 1932, the defendant entered a plea of guilty to count 2 of the information, and the court imposed a fine of \$100. Count 1 of the information was dismissed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20403. Adulteration of apples. U. S. v. 200 Bushels, et al., of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29570, 29641, 29642, 29643, 29644, 29654. Sample nos. 28391-A, 28392-A, 28395-A, 28396-A, 28406-A, 29911-A, 29941-A.)

These actions involved the interstate shipment of quantities of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On or about November 4, November 21, November 23, and November 30, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 498 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various consignments, as follows: 312 bushels by A. Sugar, from South Haven, Mich., on October 21 and October 25, 1932; 20 bushels by A. Sugar, from Whiting, Ind., on October 12, 1932; 100 bushels by the Kelder Brokerage Co., from South Haven, Mich., on October 15, 1932; 58 bushels by Henry Wendzel, from Caloma, Mich., on October 5, 1932; and 8 bushels by Reuben Wendzel, from Caloma, Mich., on October 12, 1932; that the articles had been transported from the States of Michigan and Indiana into the State of Illinois, and that it was adulterated in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

A. Sugar, Whiting, Ind., appeared and filed a claim and answer admitting the allegations of the libels and consenting to the entry of a decree. On December 8, 1932, the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered.

The court having found that the product might be washed so that it could be sold without violation of the law, ordered that it might be released to the claimant to be washed to remove the deleterious substances, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20404. Adulteration of apples. U. S. v. 243 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29575. Sample no. 30003-A.)

This action involved a shipment of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On or about November 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 243 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1932, by William Hamlin, from Glenn, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On January 5, 1933, William Hamlin, Glenn, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant to be washed in order to remove the deleterious substances, upon payment of costs and the execution of a bond in the sum of \$200, conditioned that the apples should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20405. Adulteration of canned salmon. U. S. v. 925 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29131. Sample no. 22380-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On October 27, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 925 cases of canned salmon, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 1, 1932, by McGovern & McGovern, from Seattle, Wash., to Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "McGovern's Best Brand Alaska Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 10, 1932, the Standard Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned that it be made to conform to the Federal Food and Drugs Act, under the supervision of this Department, and that it should not be sold or disposed of contrary to the provisions of said act, and all other laws. It was further ordered that the product might be shipped to Seattle, Wash., for disposition in accordance with the terms of the decree.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20406. Adulteration of cauliflower. U. S. v. 188 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29227. Sample nos. 21001-A, 21003-A, 21005-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 188 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1932, by James DiGiacomo, from Riverhead, L.I., N.Y. to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20407. Adulteration of canned salmon. U. S. v. 750 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29182. Sample nos. 22566-A, 22567-A.)

This action involved the interstate shipment of a quantity of canned salmon which was found to be in part decomposed.

On November 3, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 750 cases of canned salmon, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped in interstate commerce by McGovern & McGovern, from Seattle, Wash., to Norfolk, Va., on or about September 22, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Alaska Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 16, 1932, the Standard Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry

of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,250, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, and all other laws, and that it be brought into compliance with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20408. Adulteration of fresh bluefins. U. S. v. 2 Boxes of Fresh Fish. Decree of destruction. (F. & D. no. 29133. Sample no. 27167-A.)

This action involved the interstate shipment of a quantity of fish, which upon examination, was found to be unfit for food.

On October 19, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of fresh fish, remaining in the original packages at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about October 17, 1932, by Sam Johnson & Son's Fisheries, Inc., from Duluth, Minn., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fr. Dr. Bluefins."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and that it was a portion of an animal unfit for food.

On October 20, 1932, the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20409. Misbranding of canned cherries. U. S. v. 51 Cases of Checker Brand Canned Cherries. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 29125. Sample no. 18377-A.)

This action involved the interstate shipment of a quantity of canned cherries, sample cans of which were found to contain less than the declared weight.

On October 28, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 cases of canned cherries, remaining in the original unbroken packages at Sherman, Tex., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by the Webster Canning & Preserving Co., from Webster, N.Y., to Dallas, Tex., and reshipped on or about August 20, 1932, from Dallas to Sherman, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Checker Brand Water Pack Sour Pitted Red Cherries Contents 1 lb. 5 oz. Packed by Webster Canning and Preserving Co., Webster, N.Y."

It was alleged in the libel that the article was misbranded in that the statement "Contents 1 lb. 5 oz." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 28, 1932, the Everheart Grocery Co., Sherman, Tex., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be relabeled with the exact and correct weight and the further condition that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20410. Adulteration of canned salmon. U. S. v. 70 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. Decomposed portion ordered destroyed or denatured. (F. & D. nos. 29119, 29120. Sample nos. 8040-A, 8041-A. 20612-A.)

These actions involved the interstate shipment of quantities of canned salmon, samples of which were found to be decomposed.

On October 28, 1932, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 592 cases of canned salmon, in part at Plattsburg, N.Y., and in part at Schenectady, N.Y., alleging that the article had been shipped by McGovern & McGovern, on or about August 23, 1932, and had been transported in interstate commerce from the State of Washington into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Storm Brand Red Alaska Salmon [or "Norge Top Quality Alaska Red Sockeye Salmon"] * * * Distributed by McGovern & McGovern, Seattle, U.S.A."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 22 and November 29, 1932, the Bristol Bay Packing Co., San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,100. The bonds were conditioned upon claimant's separating the good portion from the decomposed portion, and permitted the shipment of part or all of the goods to San Francisco, Calif., if necessary, to accomplish such purpose; and required that all decomposed salmon be destroyed or denatured.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20411. Adulteration of cauliflower. U. S. v. 15 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29276. Sample no. 21116-A.)

This action involved the interstate shipment of a quantity of cauliflower, samples of which were found to contain arsenic in an amount that might have rendered the article injurious to health.

On October 29, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about October 28, 1932, by Frank Korleski, from Cranbury, N. J., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20412. Adulteration of cauliflower. U. S. v. 75 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29269. Sample no. 20396-A.)

This action was based on the interstate shipment of a quantity of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by A. Buchak, from Princeton Junction, N. J., on or about October 20, 1932, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20413. Misbranding of cane sirup. U. S. v. New Orleans Coffee Co., Ltd. Plea of guilty. Fine, \$25. (F. & D. no. 28072. I. S. no. 36958.)

This action was based on the interstate shipment of a quantity of cane sirup, sample cans of which were found to contain less than the declared volume.

On December 9, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the New Orleans Coffee Co., Ltd., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about December 31, 1930, from the State of Louisiana into the State of Texas, of a quantity of cane sirup that was misbranded. The article was labeled in part: "New South Brand Pure Sugar Cane Syrup Packed By New Orleans Coffee Co., Ltd., New Orleans, La. * * * Net Volume 3 Qts., 8 Fl. Ozs. Net Weight 9 Pounds, 3 Ozs."

It was alleged in the information that the article was misbranded in that the statements, "Net Volume 3 Qts., 8 Fl. Ozs. Net Weight 9 Pounds, 3 Ozs.," borne on the label of the can containing the article, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than 3 quarts and 8 fluid ounces, and contained less than 9 pounds and 3 ounces, of cane sirup. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On December 16, 1932, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20414. Adulteration of canned salmon. U. S. v. 1,450 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29195. Sample nos. 22381-22383-A, incl.)

This action involved the interstate shipment of a quantity of canned salmon which was found to be in part decomposed.

On November 3, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,225 cases of canned salmon, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., to Baltimore, Md., on or about September 1, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Pink Alaska Salmon [or "Sea Flyer Brand First Quality Alaska Pink Salmon"] Distributed by McGovern & McGovern, Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 10, 1932, the Standard Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product be brought into conformity with the Federal Food and Drugs Act under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20415. Adulteration of cauliflower. U. S. v. 40 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29150, 29151, 29206, 29207, 29208, 29225, 29603. Sample nos. 7697-A, 7698-A, 7699-A, 7776-A, 18404-A.)

These cases covered several interstate shipments of cauliflower that was found to bear arsenic in an amount that might have rendered it injurious to health.

On October 13, October 14, and October 19, 1932, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 310 crates of cauliflower at Charlotte, N.C., and 137 crates of cauliflower at Asheville, N.C.: on October 17, 1932, the United States attorney for the Middle District of North Carolina, filed a libel against 20 crates of cauliflower at Greensboro,

N.C., and on October 18, 1932, a libel was filed against 25 crates of the same product at Raleigh, N.C., in the Eastern District of North Carolina; on October 17, 1932, a libel also was filed in the Eastern District of Texas against 6 crates of the product at Henderson, Tex. It was alleged in the libels that the article had been shipped by the Western Vegetable Distributors from Denver, Colo., in various lots between the dates of September 27, 1932 and October 12, 1932, that it had been transported in interstate commerce from the State of Colorado into the States of North Carolina and Texas, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

No appearance or claim was entered in the cases. On November 21, November 25, and December 2, 1932, judgments of condemnation and forfeiture were entered in the cases instituted against the lots at Greensboro, Charlotte, and Asheville, N.C., and the court ordered that the product be destroyed. The cauliflower seized at Raleigh, N.C., having been destroyed by the marshal because it had become a menace to health, a decree was entered on December 10, 1932, condemning the goods and approving the destruction. On February 17, 1932, default was noted in the case instituted in the Eastern District of Texas, and the product was also ordered condemned, forfeited, and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20416. Adulteration of canned salmon. U. S. v. 47 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. nos. 29256, 29293. Sample no. 16736-A.)

These actions involved the shipment of quantities of canned salmon which was found to be in part decomposed.

On or about November 15, 1932, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 97 cases of canned salmon, remaining in the original and unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about August 25, 1932, by McGovern & McGovern, from Seattle, Wash., to Tampa, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Lad Brand Pink Salmon * * * Distributed by McGovern & McGovern, Seattle, U.S.A."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Standard Packing Co., a Washington corporation, entered an appearance as claimant, consented to the entry of a decree, and admitted the allegations of the libel. On November 21, 1932, the two libels having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the claimant be permitted to take possession of the goods, to be shipped to Seattle, Wash., and the cans containing bad salmon segregated and destroyed, under the supervision of this Department. It was further ordered that claimant pay costs, including costs of supervision, and execute a bond in the sum of \$500 to insure compliance with the terms of the decree.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20417. Adulteration of dressed bluefins. U. S. v. Two 100-Pound Boxes of Fresh Fish. Decree of destruction. (F. & D. no. 29283. Sample no. 26752-A.)

This action involved the interstate shipment of a quantity of dressed bluefins which were found to be infested with worms.

On October 27, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two 100-pound boxes of fish, remaining in the original packages at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 25, 1932, by Sam Johnson & Son's Fisheries, Inc., from Duluth, Minn., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fr. Dr. Bluefins."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On October 27, 1932, a decree was entered by the court ordering that, in view of the perishable nature of the fish, it be immediately destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20418. Adulteration of apples. U. S. v. 200 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29267. Sample no. 18830-A.)

This action involved the interstate shipment of a quantity of apples, samples of which were found to bear lead and arsenic in amounts which might have rendered the article injurious to health.

On October 3, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 boxes of apples, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about September 8, 1932, by D. J. Shrecengost Co. from Roswell, N. Mex., to San Antonio, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delicious * * * Berrendo Brand L. B. Jones & Son Orchards * * * Roswell New Mexico."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered the article harmful to health.

On November 21, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20419. Adulteration of apples. U. S. v. 74 Bushels of Apples. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 29302. Sample nos. 29907-A, 29908-A.)

This action involved the interstate shipment of a quantity of apples, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On October 28, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 74 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 21, 1932, by Martin Solomon, from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 3, 1932, Martin Solomon, Chicago, Ill., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20420. Adulteration of bluefish. U. S. v. 4 Boxes of Fresh Fish. Decree of destruction. (F. & D. no. 29297. Sample no. 30057-A.)

This action involved the interstate shipment of a quantity of bluefish which were found to be infested with worms.

On November 3, 1932, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four boxes of fish, remaining in the original packages at Covington, Ky., alleging that the article had been shipped on or about November 1, 1932, by L. P. Hogstad, sales agent, from Duluth, Minn., to Covington, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "North Superior Co-operative Fisheries, Inc., L. P. Hogstad, Sales Agent, Duluth, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On November 3, 1932, it was ordered by the court in view of the perishable nature of the fish, that it be immediately destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20421. Adulteration of cauliflower. U. S. v. 132 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29271. Sample no. 20804-A.)

This action involved the interstate shipment of a quantity of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 132 crates of cauliflower, remaining in the original and unbroken packages at Newark, N.J., alleging that the article had been shipped on or about October 20, 1932, by M. Sternick, Inc., from Calverton, Long Island, N.Y., to Newark, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On November 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20422. Adulteration of canned salmon. U. S. v. 750 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29123. Sample nos. 22559-A, 22560-A, 22561-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be partially decomposed.

On October 27, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 750 cases of canned salmon, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped in interstate commerce, on or about September 9, 1932, by McGovern & McGovern, from Seattle, Wash., to Norfolk, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Alaska Pink Salmon Distributed by McGovern & McGovern, Seattle, U.S.A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 16, 1932, the Standard Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,116, conditioned that it be made to conform to the Federal Food and Drugs Act, under the supervision of this Department, and that it should not be sold or disposed of contrary to the provisions of said act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20423. Adulteration of apples. U. S. v. 20 Bushels, et al., of Apples. Decrees of condemnation and forfeiture. Portion of the product ordered released under bond; remainder destroyed. (F. & D. nos. 29085, 29221, 29222, 29568. Sample nos. 24456-A, 24718-A, 24828-A, 24949-A, 24950-A, 24951-A.)

These actions involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On or about September 28, October 15, and November 4, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the

Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 463 bushels of apples at Chicago, Ill., consigned by C. C. Kniebes, Watervliet, Mich., alleging that the article had been shipped in interstate commerce from Watervliet, Mich., in various consignments on September 16, September 17, September 22, and October 12, 1932, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

Cornelius C. Kniebes filed a claim and answer to the two libels involving 100 bushels and 233 bushels, respectively, of the product, admitted the allegations of the libels, and consented to the entry of decrees. On November 23, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said 378 bushels of the product be released to the claimant to be washed in order to remove the deleterious ingredients, upon payment of costs and the execution of bonds totaling \$1,000, conditioned that the article should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws. No claim or answer was filed in the cases involving the remainder of the product, and on November 16 and December 15, 1932, judgments were entered ordering that the product be condemned and forfeited and that it be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20424. Adulteration of apples. U. S. v. 25 Bushels, et al., of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29088, 29089, 29090, 29142. Samples nos. 24836-A, 24837-A, 24853-A, 24859-A, 24860-A, 24873-A.)

These actions involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On October 1, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 291 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various consignments by Otto Kelder, from South Haven, Mich., to Chicago, Ill., between the dates of September 23 and September 28, 1932, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

C. H. Weaver & Co., Chicago, Ill., appeared and filed a claim and answer admitting the allegations of the libels and consenting to the entry of a decree. On October 6, 1932, the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered. The court having found that the product might be washed so that it could be sold without violation of the law, ordered that it might be released to the claimant to be washed to remove the deleterious substances, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the apples should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20425. Adulteration and misbranding of butter. U. S. v. 90 Boxes, et al., of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. nos. 29070, 29212. Sample nos. 9498-A, 16404-A.)

These actions involved interstate shipments of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 3 and October 10, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 207 boxes of butter, remaining in the original and unbroken packages at Springfield, Mass., consigned in part on or about September 21, 1932, and in part on or about September 29, 1932, alleging that

the article had been shipped in interstate commerce by the North American Creameries, Inc., from Paynesville, Minn., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the product was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

The North American Creameries Co., Inc., Boston, Mass., appeared as claimant for the property and admitted the allegations of the libels. On October 18, 1932, the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered that the product be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20426. Adulteration of apples. U. S. v. 165 Barrels, et al., of Apples. Product released under bond for cleaning to remove deleterious substances. (F. & D. nos. 29156, 29158, 29159. Sample nos. 23959-A, 23960-A, 23961-A.)

These actions involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 5, 1932, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 165 barrels and 650 bushel baskets of apples at Burlington, Iowa, alleging that the article had been shipped in interstate commerce in various consignments on or about September 15, 17, and 20, 1932, respectively, by H. M. Seymour, from Fall Creek, Ill., to Burlington, Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown & Packed By H. M. Seymour Payson, Ill."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, lead and arsenic, which might have rendered it injurious to health.

On October 17, 1932, H. M. Seymour, Fall Creek, Ill., having appeared as claimant for the property and having filed bonds in the total sum of \$1,500, conditioned that the product be made to conform to the law, judgments were entered by the court ordering that the apples be released to the claimant for washing and cleaning to remove the deleterious substances, and that all expenses and costs incurred be paid by claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20427. Adulteration of canned salmon. U. S. v. 150 Cases of Sea Flyer Brand Alaska Pink Salmon. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 29197, 29198. Sample no. 7062-A.)

This action involved the interstate shipment of a quantity of canned salmon which was found to be partially decomposed.

On November 4, 1932, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases of canned salmon at Mobile, Ala., alleging that the article had been shipped in interstate commerce by McGovern & McGovern, on or about September 11, 1932, from Seattle, Wash., to Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Flyer Brand Alaska Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 23, 1932, the Standard Packing Co., Seattle, Wash., having admitted the allegations of the libel and having consented to the entry of a

decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for segregation and destruction of the cans containing bad salmon. The decree provided that the product might be shipped to Seattle, Wash., for segregation; and ordered that claimant pay all costs connected therewith, also court costs; and required execution of a bond in the sum of \$1,000 to insure compliance with its terms.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20428. Adulteration of cauliflower. U. S. v. 26 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29226. Sample nos. 13320-A, 13321-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On or about October 14, 1932, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 crates of cauliflower, remaining in the original packages at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 2, 1932, by the Hartner Produce Co., from Denver, Colo., to Houston, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which ingredients might have rendered it injurious to health.

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20429. Adulteration of cauliflower. U. S. v. 89 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29228, 29229. Sample nos. 21103-A, 21105-A.)

These actions involved interstate shipments of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 139 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1932, by Ross M. Case, from River Head, Long Island, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20430. Adulteration of cauliflower. U. S. v. 150 Crates of Cauliflower. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 29238. Sample no. 16733-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 17, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 crates of cauliflower at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 8, 1932, by the Western Vegetable Distributors, from Denver, Colo. to Tampa, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, which might have rendered such product injurious to health.

On October 19, 1932, the consignor and the consignee having agreed that the libel was well taken and that they would not contest the forfeiture of the goods, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20431. Adulteration of cauliflower. U. S. v. 38 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29215. Sample no. 20393-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 20, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by Edward Pryzlak, from Calverton, Long Island, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20432. Adulteration of cauliflower. U. S. v. 395 Crates of Cauliflower. Consent decree of condemnation and destruction. (F. & D. no. 29213. Sample no. 11749-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic and lead in amounts which might have rendered it injurious to health.

On October 21, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 395 crates of cauliflower, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by the Long Island Produce & Fertilizer Co., from Riverhead, Long Island, N.Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On October 22, 1932, the Long Island Produce & Fertilizer Co., having consented to the destruction of the goods, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20433. Adulteration of canned salmon. U. S. v. Ingolfur Iwersen (Iwersen Packing Co.). Plea of guilty. Fine, \$25. (F. & D. no. 28157. I.S. no. 22364.)

This action was based on the shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On November 1, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Ingolfur Iwersen, trading as Iwersen Packing Co. and having a place of business at Point Roberts, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 4, 1931, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 22, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20434. Adulteration of cauliflower. U. S. v. 16 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29214. Sample nos. 20372-A, 20373-A, 20374-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered it injurious to health.

On October 21, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 21, 1932, by Dewey D. Leavitt, from Riverhead, Long Island, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20435. Adulteration of cauliflower. U. S. v. 101 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29216. Sample no. 20394-A.)

This action involved an interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 20, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 101 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by Joseph Fustino, from Riverhead, Long Island, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20436. Adulteration and misbranding of butter. U. S. v. 110 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29209. Sample no. 9500-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On October 6, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 110 boxes of butter, remaining in the original and unbroken packages at Springfield, Mass., consigned on or about September 26, 1932, alleging that the article had been shipped in interstate commerce by the Mandan Creamery Co., from Mandan, N.Dak., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, "butter."

On November 18, 1932, the Mandan Creamery & Produce Co., Mandan, N.Dak., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product

be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20437. Adulteration of pears. U. S. v. 40 Boxes, et al., of Pears. Product ordered released under bond. (F. & D. no. 29330. Sample nos. 25826-A, 25827-A.)

This action involved the interstate shipment of quantities of pears, samples of which were found to contain arsenate of lead in an amount which might have rendered them injurious to health.

On or about October 22, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 188 boxes of pears at Butte, Mont., alleging that the article had been shipped on or about October 12, 1932, by the W. E. Roche Fruit Co., from Yakima, Wash., to Butte, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "D'Anjou Fancy [or "Flemish Beauty"] * * * Packed and shipped by Roche Fruit & Produce Co., Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered the article injurious to health.

On November 29, 1932, Sweet Bros., Inc., Butte, Mont., claimant, having admitted the allegations of the libel, a decree was entered by the court ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the article should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20438. Adulteration of cauliflower. U. S. v. 245 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29261. Sample no. 11023-A.)

This action involved the interstate shipment of a quantity of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 245 crates of cauliflower, remaining in the original and unbroken packages at Newark, N. J., alleging that the article had been shipped on or about October 20, 1932, by Rosenblatt & Weiss, from Riverhead, Long Island, N. Y., to Newark, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On November 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20439. Adulteration of cauliflower. U. S. v. 351 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29274, 29275. Sample nos. 21106-21108-A, incl. 21113-A, 21114-A.)

These actions involved the interstate shipment of quantities of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 400 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped, in part on or about October 20, 1932, and in part on or about October

21, 1932, by John DiGiacomo, from Riverhead, Long Island, N. Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20440. Adulteration of apples. U. S. v. 332 Boxes of Apples. Product released under bond. (F. & D. no. 29278. Sample no. 24290-A.)

This action involved a quantity of apples that were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 332 boxes of apples, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 6, 1932, by H. N. S. Denison Co., from Freewater, Oreg., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rome Beauty Orchard Run."

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous or deleterious ingredient which might have rendered it injurious to health.

On October 25, 1932, Charles Milne, Los Angeles, Calif., having entered an appearance and claim admitting the allegations of the libel and having filed a release bond in the sum of \$300, conditioned that the article would not be disposed of contrary to the provisions of the Food and Drugs Act, a decree was entered ordering that the product be released to the claimant. On November 4, 1932, the apples having been made to conform with the law, a decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20441. Adulteration and misbranding of butter. U. S. v. 15 Cubes of Butter. Product released under bond for reworking. (F. & D. no. 29219. Sample no. 24284-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On October 15, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by Mountain States Creamery, from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Butter Keep Cool."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled butter, which label was false and misleading, since the article contained less than 80 percent of milk fat.

On October 25, 1932, F. J. Fish, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$200, a decree was entered ordering that the product be delivered to the claimant to be brought into conformity with the law under the supervision of this Department. On November 5, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20442. Adulteration of cauliflower. U. S. v. 13 Crates, et al., of Cauliflower. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29320, 29329. Sample nos. 18866-A, 18867-A.)

These actions involved the interstate shipments of quantities of cauliflower, samples of which were found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 24, 1932 and November 1, 1932, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 21 crates and 6 heads of cauliflower at Dallas, Tex., alleging that the article had been shipped in interstate commerce, in part on or about October 7, 1932, and in part on or about October 8, 1932, by Western Vegetable Distributors, from Denver, Colo., to Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On November 7, 1932, by consent of the consignees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20443. Adulteration of butter. U. S. v. 9 Cubes of Butter. Product released under bond for reworking. (F. & D. no. 29220. Sample no. 24286-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On October 18, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 15, 1932, by the Escalante Ice Cream Co., from Cedar City, Utah, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On October 19, 1932, Joseph Thorup, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$100, a decree was entered ordering that the product be delivered to the claimant to be brought into conformity with the law under the supervision of this Department. On October 21, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20444. Adulteration of dressed herring. U. S. v. 30 Boxes, et al., of Fresh Dressed Herring. Decrees of condemnation and destruction. (F. & D. nos. 29233 to 29237, incl. Samples nos. 27266-A to 27270-A, incl.)

These actions involved the interstate shipment of quantities of dressed herring which were infested with worms.

On October 20, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 99 boxes of dressed herring, remaining in the original unbroken packages, in the possession of various consignees at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about October 14, 1932, by the Hogstad Fish Co., from Duluth, Minn., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fresh Fish Produced by North Superior Co-operative Fisheries, Inc., L. P. Hogstad, Sales Agent, Duluth, Minn."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On November 15, 1932, no appearance or claim having been entered and the various firms in whose possession the fish had been seized having consented to its destruction, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20445. Misbranding of canned grapefruit juice and canned orange juice. *U. S. v. Tugwell & Wiseman of Florida, Inc. Plea of guilty.* * Fine, \$50. (F. & D. no. 27540. I. S. nos. 33895, 33896.)

This action was based on the interstate shipment of quantities of canned grapefruit juice and canned orange juice, sample cans of which were found to contain less than the declared volume.

On May 17, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Tugwell & Wiseman of Florida, Inc., a corporation, Tarpon Springs, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 11, 1931, from the State of Florida into the State of New York, of quantities of canned grapefruit juice and canned orange juice that were misbranded. The articles were labeled in part: (Cans) "Sunbeam Pure Food Natural Grape Fruit Juice [or "Orange Juice"] Slightly Sweetened * * * Austin, Nichols & Co., Inc., Distributors, New York, N.Y. * * * Contents 1 Quart, 1 Pint, 8 Ounces."

It was alleged in the information that the articles were misbranded in that the statement, "Contents 1 Quart, 1 Pint, 8 Ounces", borne on the labels attached to the cans, was false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On December 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20446. Adulteration and misbranding of canned razor clams. *U. S. v. Paul Shelley Guilford (Guilford Packing Co.). Plea of guilty. Fine, \$25 and costs.* (F. & D. no. 27544. I. S. no. 22818.)

This case was based on the interstate shipment of quantities of canned razor clams which contained excessive brine, and in which the drained weight was less than the weight declared on the can label.

On October 31, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Paul Shelley Guilford, trading as the Guilford Packing Co., Westport, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about May 21 and May 25, 1931, from the State of Washington into the State of California, of a quantity of canned razor clams that were adulterated and misbranded. The article was labeled in part: (Can) "Trupak Super Quality Fancy Whole Cleaned Razor Clams Net Contents 10 Ozs. Drained Meat 4½ Ozs. * * * Haas Brothers Distributors San Francisco & Fresno, Cal."

It was alleged in the information that the article was adulterated in that excessive brine had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that excessive brine had been substituted in part for clams and for drained meat, 4½ ounces, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Clams" and "Drained Meat 4½ ozs.", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the article did not consist wholly of clams but did consist in part of excessive brine, and each of the cans did not contain 4½ ounces of drained meat, but did contain a less amount.

On November 21, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20447. Misbranding of canned tomatoes. U. S. v. 152 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 27998, 27999. I. S. nos. 46281, 46282. S. nos. 6026, 6036.)

These actions involved the interstate shipments of quantities of canned tomatoes which fell below the standard promulgated by the Secretary of Agriculture, and which were not labeled to indicate that the product was sub-standard.

On April 25, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 52 cases of canned tomatoes at Seymour, Tex., and 152 cases of canned tomatoes at Wichita Falls, Tex., alleging that the article had been shipped by Baron Canning Co., Fort Smith, Ark., the former on or about September 13, 1931, and the latter on or about November 18, 1931, and had been transported from the State of Arkansas into the State of Texas, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Baron Brand Tomatoes. * * * Packed by Baron Canning Co., Baron, Oklahoma."

It was alleged in the libels that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained excessive peel and was below the standard for color of canned tomatoes, and the label failed to bear a plain and conspicuous statement indicating that it was below such standard.

On November 22, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20448. Adulteration of cauliflower. U. S. v. 100 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29217. Sample no. 20479-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered it injurious to health.

On October 21, 1932, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 crates of cauliflower at New Haven, Conn. It was alleged in the libel that the article had been shipped by I. M. Young, from Riverhead, Long Island, N. Y., on or about October 18, 1932, that it had been transported from the State of New York into the State of Connecticut, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On November 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20449. Adulteration of cauliflower. U. S. v. 120 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29218. Sample nos. 22375-A, 22378-A.)

This action involved the interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 20, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 120 crates of cauliflower at Baltimore, Md. It was alleged in the libel that the article had been shipped by I. M. Young & Co., from Calverton, N. Y., on or about October 17, 1932, that it had been transported from the State of New York into the State of Maryland, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On November 10, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20450. Adulteration and misbranding of butter. U. S. v. 14 Cubes of Butter. Product released under bond to be reworked. (F. & D. no. 29567. Sample no. 24299-A.)

This action involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 27, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 22, 1932, by Valley Creamery, Ltd., from Milford, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Valley Creamery Ltd., Milford, Utah * * *

Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding of the article was alleged for the reason that it was labeled butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On November 14, 1932, the Valley Creamery, Ltd., Milford, Utah, and the Lucerne Cream & Butter Co., Los Angeles, Calif., having filed a claim and answer, and having deposited a cash bond in the amount of \$200, judgment was entered ordering that the product be released to the claimants to be reconditioned. On November 19, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20451. Misbranding of macaroni. U. S. v. Brockway Macaroni & Supply Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. no. 28087. I. S. no. 37863.)

This action involved the interstate shipment of a quantity of macaroni, sample packages of which contained less than 20 pounds, the weight declared on the label.

On June 24, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Brockway Macaroni & Supply Co., a corporation, Brockway, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 31, 1931, from the State of Pennsylvania into the State of New Jersey, of a quantity of macaroni that was misbranded. The article was labeled in part: (Box) "Union Brand * * * Sublime Quality Spaghetti Macaroni. Extra Net Weight 20 Lbs. * * * Brockway Macaroni and Supply Co., Inc., Brockway, Pa."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 20 Lbs.", borne on the boxes, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of a number of the said boxes contained less than 20 pounds. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the packages bore an incorrect statement of weight.

On October 15, 1932, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20452. Misbranding of cream meal, wheat flour, and corn flour. U. S. v. Scott County Milling Co. Plea of guilty. Fine, \$400 and costs. (F. & D. no. 26629. I. S. nos. 15151, 15152, 15156, 15157.)

This action was based on the interstate shipment of quantities of meal and flour in 6-pound, 24-pound, and 98-pound sacks. Sample sacks taken from each of the lots were found to contain less than the declared weight.

On October 12, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Scott County Milling Co., a corporation, Sikeston, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 17, 1931, from the State of Missouri into the State of Louisiana, of quantities of cream meal, wheat flour, and corn flour that were misbranded. The articles were labeled in part, variously: "The Scott County Milling Company The B M M Co. Cream Meal Sikeston, Oran & Dexter, Mo. * * * 24 Lbs. for "6 Lbs." Net Weight When Packed"; "Highest Winter Superior Patent Wheat Patent Dexter, Missouri * * * 6 Lbs. Net Weight When Packed"; "The Scott County Milling Company The B M M Co. Corn Flour * * * Corn Flour 98 Lbs. Net Weight When Packed."

It was alleged in the information that the articles were misbranded in that the statements, "24 Lbs. Net Weight", "6 Lbs. Net Weight", and "98 Lbs. Net Weight", were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the sacks contained less than the amount declared.

On October 10, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20453. Adulteration of canned salmon. U. S. v. 100 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29099 to 29107, incl. Sample no. 16701-A.)

These actions involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On October 20, 1932, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 660 cases of canned salmon, remaining in the original unbroken packages in various lots at Winston-Salem, Mount Airy, and North Wilkesboro, N.C., alleging that the article had been shipped on or about August 31, 1932, by McGovern & McGovern, from Seattle, Wash., and had been transported from the State of Washington into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "McGovern's Best Brand Alaska Pink Salmon."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 16, 1932, the Standard Packing Co., a corporation organized under the laws of the State of Washington, appeared and filed a claim and answer, admitting the material allegations of the libel and consenting to the entry of a decree. On November 17, 1932, the cases were consolidated into one cause of action and judgment was entered condemning and forfeiting the property. The claimant having represented that a large proportion of the salmon was fit for human consumption, but that there were no local facilities available for bringing the product into compliance with the law, the decree provided that it might be released for shipment to Seattle, Wash., upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, and that it be brought into conformity with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20454. Adulteration of cauliflower. U. S. v. 20 Crates of Cauliflower. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 29263. I. S. no. 16911-A.)

This action was based on the interstate shipment of a quantity of cauliflower, examination of which showed the presence of arsenic in an amount which might have rendered the article injurious to health.

On October 17, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 crates of cauliflower, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 4, 1932, by the Hartner Produce Co., from Denver, Colo., to Shreveport, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On November 7, 1932, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20455. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 29296. Sample no. 7725-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On or about November 16, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,000 cases of canned salmon, remaining in the original and unbroken packages at Jacksonville, Fla., alleging that the article had been shipped on or about September 26, 1932, by the Oceanic Sales Co., from Seattle, Wash., to Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Hypatia Brand * * * Oceanic Sales Co. Seattle, U. S. A. Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 25, 1932, the Superior Packing Co., a Washington corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that the decomposed portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20456. Adulteration of cauliflower. U. S. v. 34 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29210, 29211. Sample nos. 13319-A, 13322-A.)

These actions involved interstate shipments of cauliflower that was found to bear arsenic and lead in amounts which might have rendered it injurious to health.

On or about October 14, 1932, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 93 crates of cauliflower, remaining in the original crates at Houston, Tex., alleging that the article had been shipped by the Rocky Mountain Produce Co., from Denver, Colo., to Houston, Tex., on or about October 2 and October 3, 1932, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 1, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20457. Adulteration of canned prunes. U. S. v. Ray-Maling Co. Plea of guilty. Fine, \$10. (F. & D. no. 27524. I. S. nos. 12182, 12209, 13756, 14774, 23998, 24040, 24041.)

This action was based on the interstate shipments of quantities of canned prunes that were found to be partially decomposed.

On December 1, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Ray-Maling Co., a corporation, Hillsboro, Oreg., alleging shipment by said company in various consignments between the dates of October 7 and December 30, 1930, in violation of the Food and Drugs Act, from the State of Oregon into the States of Oklahoma, Colorado, Kansas, and Missouri, of quantities of canned prunes that were adulterated. The article was labeled, variously, in part: (Cans) "Sante Fe Brand Italian Prunes * * * Packed for The Ranney-Davis Mercantile Co., Arkansas City, * * * Kan. Enid, * * * Okla."; "Bar-B-Q Brand Prunes * * * Packed for the Jett & Wood Merc. Co. * * * Lamar, Colo."; "Jordan Brand Italian Prunes * * * Packed for The J. S. Brown Mercantile Co. * * * Pueblo, * * * Colorado"; "Raybrook Brand Fresh Prunes * * * Packed by Ray-Maling Company, Inc., Kitchens, Hillsboro, Oregon, U. S. A."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 1, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20458. Misbranding of chick feed. U. S. v. 80 Sacks of Chamberlain's Chick Feed. Decree of condemnation and destruction. (F. & D. no. 22823. I. S. no. 18932-X. S. no. 859.)

This action involved a quantity of chick feed which was falsely represented to contain cod-liver oil.

On May 9, 1928, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 sacks of Chamberlain's chick feed, remaining in the original unbroken packages at Mayetta, Kans., alleging that the article had been shipped in interstate commerce on or about February 23, 1928, by the Ridenour-Baker Grocery Co., from Kansas City, Mo., to Mayetta, Kans., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chamberlain's Perfect Brand Chick Starter and Developing Feed * * * Cod Liver Oil * * * Manufactured by F. B. Chamberlain Co., St. Louis, Mo."

It was alleged in the libel that the article was misbranded in that its label represented that it was a perfect chick feed, and contained cod-liver oil; whereas it was not a perfect chick feed, since it consisted of a large percentage of seeds and dirt, and it contained no cod-liver oil.

On December 5, 1932, the case having come on for hearing upon the stipulation of the parties, a decree was entered finding that the misbranding charge, based on the claim that cod-liver oil was present in the article, was sustained, since the article contained no cod-liver oil. The court ordered that the remaining allegations of the libel be dismissed and that the product be condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20459. Adulteration of butter. U. S. v. 27 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29223. Sample no. 25245-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On October 15, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 16, 1932, by Nelson-Ricks Creamery from Rexburg, Idaho, to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of butterfat had been substituted for the said article.

On October 24, 1932, the Nelson-Ricks Creamery Co., Rexburg, Idaho, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, and that it be made to conform to the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20460. Adulteration of apples. U. S. v. 52 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29224. Sample nos. 5015-A, 5016-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 12, 1932, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 52 bushels of apples, remaining in the original unbroken packages at Kenosha, Wis., alleging that the article had been shipped in interstate commerce on or about October 9, 1932, by Mike Kempf, from South Haven, Mich., to Kenosha, Wis., and charging adulteration in violation of the Foods and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered it harmful to health.

On November 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20461. Adulteration of cauliflower. U. S. v. 26 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29277. Sample no. 21119-A.)

This action involved the interstate shipment of a quantity of cauliflower samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 29, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 crates of cauliflower, consigned by E. Lotysh, Cranbury, N.J., remaining in the original and unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about October 28, 1932, from Cranbury, N.J., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20462. Misbranding of canned orange juice and canned grapefruit juice. U. S. v. Orlando Canning Co. Plea of guilty. Fine, \$50. (F. & D. no. 27535. I. S. nos. 11118, 11119, 11120, 11126, 11127, 11128, 11129, 12399, 12436, 12437, 12520, 21958, 21996, 21997, 21998, 22077, 22078, 22079.)

This action was based on the interstate shipment of quantities of canned orange juice and canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On October 21, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Orlando Canning Co., a corporation, Orlando, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, from the State of Florida, into the States of California, Oregon, and Wash-

ington, of quantities of canned orange juice and canned grapefruit juice that were misbranded. The information charged that the shipments had been made on various dates, the first on or about January 9, 1931, and the last shipment some time (exact date unknown) in March 1931. The articles were labeled in part: (Cans) "Heart of Florida Brand Juice Fancy Florida Grapefruit [or "Pure Florida Orange Juice"] * * * Packed by Orlando Canning Co., Inc. Orlando, Florida." The cans also bore declarations of the quantity of the contents.

It was alleged in the information that the articles were misbranded in that the statements, "Contents 20 Fluid Oz. or 567 Grams", "Contents 11 fluid oz. or 312 grams", "Contents 10½ Fld. Ozs. or 297 Grams", and "Contents 11 Oz. or 312 Grams", borne on the cans containing the respective articles, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20463. Adulteration and misbranding of jellies. U. S. v. Daniel L. Reed and George B. Niblock (Tropical Preserving Co.). Pleas of guilty. Fine, \$12. (F. & D. no. 28091. I. S. nos. 13130, 21370, 21371, 21372, 21373.)

This action was based on the interstate shipment of quantities of jellies which were found to consist of imitation jellies, artificially colored and flavored, and containing little or no grape, strawberry, raspberry, or cherry, the various fruits by which they were designated. Sample jars taken from each of the lots were found to contain less than the declared weight.

On November 12, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Daniel L. Reed and George B. Niblock, copartners, trading as the Tropical Preserving Co., Los Angeles, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 2 and June 4, 1931, from the State of California into the State of Arizona, of quantities of jellies that were adulterated and misbranded. The articles were labeled, variously: (Glasses) "True Fruit Doris Brand Grape [or "Strawberry" or "Raspberry" or "Cherry"] Jellyed Product Jellyed with 1-10 oz. fruit pectin. Fruit Acid and Artificial Color added Net Contents 15½ Oz. Tropical Preserving Co. Los Angeles, Calif."

It was alleged in the information that the articles were adulterated in that substances, imitation grape jelly, imitation strawberry jelly, imitation raspberry jelly, and imitation cherry jelly, had been substituted for true grape, strawberry, raspberry, and cherry jellies, which the articles purported to be.

Misbranding was alleged for the reason that the statement, "Net Contents 15½ Oz.", borne on the labels, and the statements, in large conspicuous type, "True Fruit * * * Grape", "True Fruit * * * Strawberry", "True Fruit * * * Raspberry", "True Fruit * * * Cherry", followed by the words "Jellyed Product" borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the statements represented that the glasses contained 15½ ounces, and that the articles were true fruit jellies, whereas each of a number of the jars contained less than 15½ ounces, and the articles were deficient in fruit juices, containing little, if any, of the designated fruit juices. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the labels bore an incorrect statement of the quantity of the contents.

On November 21, 1932, the defendants each entered a plea of guilty to the information, and the court imposed a fine of \$12.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20464. Adulteration of canned tomato puree. U. S. v. 750 Cases of Tomato Puree. Consent decree of condemnation. Product released under bond. (F. & D. no. 29180. Sample nos. 15339-A, 15340-A, 15341-A, 15342-A.)

This action involved the interstate shipment of quantities of canned tomato puree, samples of which were found to be decomposed.

On October 27, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 750 cases of tomato puree, remaining in the unbroken cases at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce in various consignments between the dates of August 18, 1932, and October 20, 1932, by Butterfield Canning Co., from Muncie, Ind., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Butterfield Brand Puree of Tomatoes * * * Guaranteed to comply with all the requirements of the National Food Laws Packed by Butterfield Canning Co. Muncie, Ind."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On November 14, 1932, the Butterfield Canning Co., Muncie, Ind., appeared and filed a claim for so much of the product as was not decomposed, and consented to the entry of a decree condemning the decomposed portion. On November 22, 1932, judgment was entered, ordering that the product be released to the claimant upon the payment of costs and the execution of a bond in the sum of \$1,400, conditioned that it should not be sold or otherwise disposed of contrary to the law. It was further ordered that the goods be sorted to separate the good portion from the remainder, that the portion found not decomposed be released to the claimant, and that the bad portion be destroyed or disposed of by the marshal in such manner as might best serve the public interest.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20465. Adulteration of cauliflower. U. S. v. 483 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29298. Sample no. 4416-A.)

This action involved the interstate shipment of a quantity of cauliflower, samples of which were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 18, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 483 crates of cauliflower at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 6, 1932, having been consigned by the United Growers Assn. Co., from Denver, Colo., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 10, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20466. Adulteration of strawberry juice. U. S. v. 50 Barrels of Strawberry Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29254. Sample nos. 10886-A, 20481-A.)

This action involved the interstate shipment of quantities of strawberry juice, which contained added fluorine in an amount which would prove extremely dangerous to health, if consumed.

On November 10, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 barrels of strawberry juice, remaining in the original and unbroken packages at Clifton, N. J., alleging that the article had been shipped in interstate commerce on or about July 15 and July 20, 1932, by the Kerr Conserving Co., from Portland, Oreg., and had been transported from the State of Oregon into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part:

"Strawberry Juice * * * Kerr Conserving Co."; (sticker on barrel) "Not a food or beverage Caution Must not be taken internally Strawberry Juice Contains Poisonous Preservative Packed by Kerr Conserving Co., Portland, Ore."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, fluorine, which might have rendered it harmful to health.

On December 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20467. Adulteration of butter. U. S. v. 13 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 29605. Sample no. 25962-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On November 9, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., and consigned by the Pend d'Oreille Creamery Co., Sandpoint, Idaho, alleging that the article had been shipped in interstate commerce on or about October 31, 1932, from Sandpoint, Idaho, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On November 18, 1932, the Pend d'Oreille Creamery Co., Sandpoint, Idaho, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20468. Adulteration of canned frozen whole eggs. U. S. v. 1,000 Cans, et al., of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. Decomposed portions destroyed or denatured. (F. & D. no. 29251. Sample nos. 20501-A, 20502-A.)

This action involved the interstate shipment of a quantity of canned frozen whole eggs, samples of which were found to be decomposed.

On November 9, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,000 cans of frozen whole eggs, remaining in the original and unbroken packages at Jersey City, N.J., alleging that the article had been shipped on or about February 26 and February 29, 1932, by Miles Friedman, Inc., from Chicago, Ill., to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Whole Eggs."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

The Seaboard Terminal & Refrigeration Co., Jersey City, N.J., interposed a claim, admitting the allegations of the libel, and consented to the entry of a decree. On December 7, 1932, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$10,000, conditioned that the cans be sorted under the supervision of this Department to separate the good from the bad, and that the decomposed eggs be destroyed or denatured for technical purposes.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20469. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 660 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29257. Sample no. 15970-A.)

This action involved the interstate shipment of a quantity of canned frozen whole eggs, samples of which were found to be decomposed. The cans containing the article were not labeled to show the quantity of the contents.

On November 10, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 660 cans of frozen whole eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 31, 1932, by the Omaha Cold Storage Co., from Omaha, Nebr., to Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans containing the article had the words, "Whole Eggs.", embossed on the lid.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The Omaha Cold Storage Co., Omaha, Nebr., filed its claim and answer admitting the allegations of the libel, consenting to the entry of a decree and praying release of the goods. On November 15, 1932, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be made to conform to the Federal Food and Drugs Act under the supervision of this Department. The decomposed portion was separated and denatured so as to render it unfit for food.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20470. Adulteration of cauliflower. U. S. v. 77 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29270, 29272, 29273. Sample nos. 20399-A, 20400-A, 21020-A, 21027-A.)

These actions involved the interstate shipment of quantities of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 27, and October 29, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 115 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 26 and October 27, 1932, by Wendel Rotter, from Dayton, N. J., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic.

On November 18, 1932, and January 9, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20471. Adulteration of cauliflower. U. S. v. 30 Crates of Cauliflower. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 29318. Sample no. 16914-A.)

This action was based on the shipment of a quantity of cauliflower, examination of which showed the presence of arsenic in an amount which might have rendered the article injurious to health.

On October 29, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 crates of cauliflower, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 15, 1932, by the Western Vegetable

Distributors, from Denver, Colo., to Shreveport, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On November 14, 1932, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20472. Adulteration of cauliflower. U. S. v. 32 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29204, 29205. Sample no. 7612-A.)

These actions involved an interstate shipment of cauliflower which was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 14, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 48 crates of cauliflower, remaining in the original unbroken packages at Miami, Fla., alleging that the article had been shipped by the Western Vegetable Distributors, from Denver, Colo., to Miami, Fla., on or about September 27, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Crates) "Rosa Del Rancho (Rose of the Ranch) Brand Colorado Cauliflower, Western Vegetable Distributors, Denver, Colo."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On November 1, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20473. Adulteration of cauliflower. U. S. v. 18 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29202, 29203. Sample no. 7611-A.)

These actions involved an interstate shipment of cauliflower which was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 14, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 27 crates of cauliflower, remaining in the original unbroken packages at Miami, Fla., alleging that the article had been shipped by the Z. J. Fort Produce Co., from Denver, Colo., to Miami, Fla., on or about September 29, 1932, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On November 1, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20474. Adulteration of canned salmon. U. S. v. 500 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29163. Sample no. 20619-A.)

This action involved the interstate shipment of a quantity of canned salmon that was found to be in part decomposed.

On November 2, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 500 cases of canned salmon at Syracuse, N. Y., alleging that the article had been shipped on or about October 21, 1932, by the

New England Fish Co., from Seattle, Wash., to Syracuse, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Old Salt Brand Choice Alaska Pink Salmon Nefco Fishery Product."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of decomposed animal matter.

On November 11, 1932, the Standard Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act, and all other laws. On January 4, 1933, a supplemental decree was entered modifying the decree to permit release of 207 cases identified by certain codes, which were found to be fit for human consumption; ordering the immediate destruction of 24½ cases; and authorizing shipment of the remainder to Seattle, Wash., there to be brought into conformity with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20475. Adulteration of canned salmon. U. S. v. 209 Cases, et al., of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29166 to 29173, incl. Sample no. 16735-A.)

These actions involved the interstate shipment of quantities of canned salmon, samples of which were found to be decomposed.

On or about November 4, 1932, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 524 cases of canned salmon, remaining in the original unbroken packages at Waycross, Ga., alleging that the article had been shipped on or about September 7, 1932, by McGovern & McGovern, from Seattle, Wash., to Waycross, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Alaska Pink Salmon * * * Distributed by McGovern & McGovern, Seattle, U.S.A."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Standard Packing Co., a corporation, organized under the laws of the State of Washington, appeared and filed a claim and answer admitting the material allegations of the libels. On November 18, 1932, the cases were consolidated into one cause of action and judgment was entered condemning and forfeiting the property. The claimant having represented that no facilities were available locally for bringing the product into compliance with the law, the decree provided that it might be released for shipment to Seattle, Wash., upon payment of costs and the execution of a bond in the sum of \$1,000 conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, and that it be brought into conformity with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20476. Adulteration of butter. U. S. v. Farmers Cooperative Butter & Cheese Association. Plea of guilty. Fine, \$25. (F. & D. no. 28122. I. S. no. 4645.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On November 1, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Farmers Cooperative Butter & Cheese Association, a corporation, Zumbrota, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 22, 1931, from the State of Minnesota into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by

weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923.

On November 1, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20477. Adulteration and misbranding of preserves, and misbranding of jams and jelly. U. S. v. Pacific Food Products Co. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 28120. I. S. nos. 12752, 12758, 12760, 12761, 12762, 12763, 22234.)

This action was based on the interstate shipment of quantities of apricot, peach, and strawberry preserves which contained excessive water, due to insufficient evaporation; of a quantity of loganberry preserves made from fruit from which a substantial amount of the juice had been removed, and which also were short weight; of a quantity of apple pectin jelly which was short weight; and of quantities of pectin plum jam and pectin grape jam that bore illegible declarations of the quantity of the contents.

On December 8, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Pacific Food Products Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 22, 1931, from the State of Washington, in part into the State of Idaho and in part into the Territory of Alaska, of quantities of apricot, peach, loganberry, and strawberry preserves that were adulterated and misbranded, and of quantities of apple pectin jelly and plum and grape jam that were misbranded. All articles were labeled: "Sunny Jim Brand * * * Pacific Food Products Co. Seattle", and were designated variously "Apricot [or "Peach", "Loganberry", or "Strawberry"] Preserves"; "Pectin Apple Jelly"; "Pectin Plum [or "Grape"] Jam." The loganberry preserves were further labeled, "Contents 2 Lbs. 8 Oz." The apple pectin jelly was further labeled "Net Weight 4½ Lbs."

Adulteration of the apricot, peach, and strawberry preserves was alleged in the information for the reason that excessive water, which had been retained in the articles due to insufficient evaporation, had been mixed and packed with the said articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted for apricot, peach, and strawberry preserves, which the articles purported to be. Adulteration of the loganberry preserves was alleged for the reason that loganberries from which a substantial amount of the juice had been removed, had been mixed and packed with the article, and had been substituted in part for loganberry preserves, which the article purported to be.

Misbranding of the said apricot, peach, strawberry, and loganberry preserves was alleged for the reason that the statements, "Apricot Preserves", "Peach Preserves", "Loganberry Preserves", and "Strawberry Preserves", borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted wholly of fruit preserves; whereas the apricot, peach, and strawberry preserves consisted in part of excessive water, and the loganberry preserves consisted of loganberries from which a substantial amount of the juice had been removed. Misbranding was alleged for the further reason that the statement "2 Lbs. 8 Oz.", borne on the jar label of the loganberry preserves, and the statement "Net Weight 4½ Lbs.", borne on the can label of the apple pectin jelly, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the jars and cans contained less than declared. Misbranding of the pectin grape and plum jams was alleged for the reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the declaration was illegible.

On December 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20478. Misbranding of grapefruit juice. U. S. v. West Coast Fruit Co. Plea of guilty. Fine, \$50. (F. & D. no. 28188. I. S. nos. 11416, 11417, 22286.)

This action was based on the interstate shipments of quantities of canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On October 21, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the West Coast Fruit Co., a corporation, Clearwater, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 8, 1930 and April 27, 1931, from the State of Florida into the States of California and Washington, respectively, of quantities of canned grapefruit juice that was misbranded. The article was labeled in part as follows: (Cans) "Dixie-Dainty Brand Florida * * * Grapefruit Juice * * * West Coast Fruit Co., Packers Clearwater, Fla." A number of the cans were labeled, "Contents 11 Ounces", and the remainder were labeled, "Contents 1 Lb. 4 Ozs."

It was alleged in the information that the article was misbranded in that the statements, "Contents 11 Ounces" and "Contents 1 Lb. 4 Ozs.", were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than the amount declared on the label. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On November 5, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20479. Adulteration and misbranding of butter. U. S. v. Springfield Creamery Co., Inc. Plea of guilty. Fine, \$5. (F. & D. no. 28204. I. S. no. 22649.)

This action involved the interstate shipment of a quantity of butter, which was found to be in violation of the law, since samples contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress, and the packages bore no statement of net weight of the contents.

On November 15, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Springfield Creamery Co., Inc., Springfield, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 29, 1932, from the State of Oregon into the State of Washington, of a quantity of butter that was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 15, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20480. Adulteration of celery. U. S. v. 5 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28822. Sample no. 18802-A.)

Arsenic and lead in amounts which might have rendered the article injurious to health were found on celery taken from the shipment involved in this case.

On August 31, 1932, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five crates of celery, remaining in the original packages at Houston, Tex., alleging that the article had been shipped in interstate commerce by the United Grocers Association on or about August 16, 1932, from Denver, Colo., to Houston, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On October 10, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20481. Adulteration of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 28165. I. S. nos. 30759, 34364 to 34368, incl.)

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 13, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sugar Creek Creamery Co., a corporation, trading at Danville, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 29, 1931, from the State of Illinois into the State of Pennsylvania, and on or about June 11, 1931, from the State of Illinois into the State of Connecticut, of quantities of butter that was adulterated. A portion of the article was contained in cartons, labeled in part: "Sugar Creek Butter * * * This Butter Churned and Guaranteed by Sugar Creek Creamery Company * * * General Offices, Danville, Ills."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923.

On December 8, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20482. Adulteration of currants. U. S. v. 20 Crates of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28616. Sample no. 5210-A.)

Arsenic and lead in amounts that might have rendered the article injurious to health were found on currants taken from the shipment involved in this case.

On July 18, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Mrs. Alice Hitchcock, on July 13, 1932, from Ludington, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20483. Misbranding of canned cherries. U. S. v. 14 Cases of Canned Cherries. Default decree of destruction. (F. & D. no. 28952. Sample no. 2877-A.)

This action involved the shipment of a quantity of canned cherries, sample cans of which were found to contain less than the weight declared on the label.

On September 23, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of canned cherries, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about August 13, 1932, by the Webster Canning & Preserving Co., from Webster, N.Y., to St. Paul, Minn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can)

"Checker Brand Water Pack Sour Pitted Red Cherries Contents 1 Lb. 5 Oz. Packed by Webster Canning and Preserving Co. Webster, N.Y."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. 5 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On November 18, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed. On December 12, 1932, an amended decree was entered providing that the cherries be turned over to a welfare society.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20484. Misbranding of blended citrus fruit juices. U. S. v. Florida Fruit Canners, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 28063. I. S. nos. 12548, 12274.)

This action was based on the interstate shipment of a quantity of blended citrus fruit juices, sample cans of which were found to contain less than the declared volume.

On May 17, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Florida Fruit Canners, Inc., Frostproof, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 17, 1931, from the State of Florida into the State of Washington, of quantities of blended citrus fruit juices that were misbranded. The article was labeled in part: (Cans) "Contents 8 Flu. Oz. * * * Pomorang Pure Juices from Tree Ripened Citrus Fruits, * * * Florida Fruit Canners, Inc. Division of L. Maxcy, Inc. Frostproof, Florida."

It was alleged in the information that the article was misbranded in that the statement "Contents 8 Flu. Oz.", borne on the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than 8 fluid ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made on the label was incorrect.

On November 2, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20485. Adulteration and misbranding of tomato catsup. U. S. v. 50 Cases, et al., of Tomato Catsup. Default decrees of condemnation and forfeiture. Portion of product delivered to charitable institution; remainder destroyed. (F. & D. nos. 28408, 28413, 28414, 28415, 28416, 28417, 28426, 28682, 28828. Sample nos. 2759-A, 2760-A, 5879-A, 7294-A, 7295-A, 8389-A.)

These cases involved bottled and canned tomato catsup that was found to be adulterated with added gum; excessive mold also was found in samples taken from certain lots.

On June 16 and June 18, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 97½ cases of tomato catsup, remaining in the original unbroken packages in various lots at New Orleans, Baton Rouge, Donaldsonville, and Covington, La. On June 18, 1932, the United States attorney for the Western District of Louisiana filed a libel against 4 cases of the product at Opelousas, La., and 4 cases at Alexandria, La. On June 20, 1932, a libel was filed in the United States District Court for the Southern District of Ohio against 1,000 cases at Cincinnati, Ohio. On August 16, 1932, 45 cases of canned tomato catsup were libeled at Wilkesbarre in the Middle District of Pennsylvania, and on August 30, 1932, a similar action was instituted against 572 cases and 14 bottles of tomato catsup at Minneapolis, in the judicial district of Minnesota. The libels charged that the article had been shipped between the dates of February 11, 1932 and July 19, 1932, by the Midwest Food Packers, Inc. of Marion and Fowlerton, Ind., that it had been transported in interstate commerce from the State of Indiana into the States of

Louisiana, Ohio, Pennsylvania, and Minnesota, respectively, and that it was adulterated and misbranded in violation of the Food and Drugs Act. Certain of the shipments were labeled: (Bottle) "Mid-West Brand * * * Tomato Catsup Made By Mid-west Food Packers, Inc., Fowlerton [or "Marion"] Ind." Certain shipments were labeled: (Can) "Certified Brand * * * Made by Mid-West Food Packers, Inc., Marion, Ind." One lot was labeled: (Bottle) "Honey Grove Brand Tomato Catsup * * * The Cincinnati Wholesale Grocery Co. Distributors. Cincinnati and Dayton Ohio."

It was alleged in the libels that all lots of the article were adulterated in that tomato catsup containing added gum had been substituted for the article. Adulteration was alleged against 105½ cases of the product seized in the Eastern and Western Districts of Louisiana for the reason that the product in the 105½ cases consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

It was further alleged in the libels that all lots of the article were misbranded in that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the reason that the statement "Tomato Catsup" on the label was false and misleading when applied to tomato catsup containing added gum.

No appearance was made or answers filed to the libels. On October 20, 1932, judgment was entered in the case instituted at Minneapolis, Minn., ordering that the product be destroyed by the United States marshal. On November 12, 1932, a similar decree was entered against the product seized in the Eastern District of Louisiana and on November 16, 1932, the 1,000 cases seized at Cincinnati, Ohio, were ordered destroyed. The two cases instituted in the Western District of Louisiana were closed on January 3 and January 24, 1933, and the product ordered condemned and destroyed, a jury having found the allegations of the libels to be true and correct.

On January 18, 1933, the 45 cases of canned catsup seized at Wilkesbarre, Pa., also were ordered destroyed. On January 30, 1933, no charge of decomposition having been made against this lot and the court having found that it was not unfit for human consumption, an amended order was entered permitting its distribution to charitable organizations.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20486. Adulteration of cauliflower. U.S. v. 484 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29117. Sample no. 12459-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered it injurious to health.

On October 13, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 484 crates of cauliflower, remaining in the original and unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about October 4, 1932, by the United Growers Association, from Denver, Colo., to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered the article injurious to health.

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20487. Adulteration of canned salmon. U. S. v. 985 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 29095. Sample nos. 16728 to 16730-A, incl.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On November 21, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 985 cases of canned salmon, remaining in the

original and unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., arriving at Jacksonville, Fla., on or about September 29, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Alaska Pink Salmon Distributed by McGovern & McGovern, Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 21, 1932, the Standard Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,800, conditioned that the unfit portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20488. Adulteration of canned salmon. U. S. v. 1,450 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29113. Sample nos. 22551-A, 22552-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On October 24, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,450 cases of canned salmon, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about September 9, 1932, by McGovern & McGovern, from Seattle, Wash., to Norfolk, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Pink Alaska Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 16, 1932, the Standard Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$4,350, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws; it was further provided that the claimant might remove the goods to Seattle, Wash., for reconditioning.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20489. Adulteration of canned salmon. U. S. v. 300 Cases and 500 Cases of Canned Salmon. Appearance and claim entered. Certain codes released unconditionally; 79 cases ordered destroyed. Remainder condemned and forfeited, released under bond. (F. & D. no. 29289. Sample no. 26759-A.)

This action involved a quantity of canned salmon, variously coded. Samples taken from certain of the codes were found to be decomposed.

On November 12, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 800 cases of canned salmon at Louisville, Ky. It was alleged in the libel that the article had been shipped in interstate commerce on or about October 19, 1932, that 300 cases had been shipped by the Shepard Point Packing Co., from Seattle, Wash., that 500 cases had been shipped by the Standard Packing Co., from Shepard Point, Alaska, that the article remained in the original cases at Louisville, Ky., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Roamer Brand Alaska Pink Salmon Packed By Shepard Point Packing Co., Seattle, Washington"; or "Floe Brand Alaska Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

The Shepard Point Packing Co., a Washington corporation, appeared and filed an answer admitting the allegations of the libel, alleging, however, that

most of the product was fit for food. On November 26, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, that it be made to comply with the law under the supervision of this Department, and that it might be removed to Seattle, Wash., if necessary, to accomplish such purpose. On December 21, 1932, certain lots were released unconditionally; and on January 10, 1933, 79 cases of the goods were ordered destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20490. Adulteration of cauliflower. U. S. v. 122 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29564. Sample nos. 4858-A, 4864-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic and lead in amounts which might have rendered it injurious to health.

On October 29, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 122 crates of cauliflower at Chicago, Ill., alleging that the article had been shipped in interstate commerce on October 17, 1932, by S. A. Gerrard Co., from Pueblo, Colo., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20491. Misbranding of canned tomatoes. U. S. v. 250 Cases and 300 Cases of Canned Tomatoes. Product adjudged misbranded; released under bond to be relabeled. (F. & D. no. 28303. I. S. nos. 50880, 50881. S. no. 6170.)

This case involved two lots of canned tomatoes, both of which were found to contain excessive peel, and one of which also was substandard color. The product was not labeled with a statement prescribed by the Secretary of Agriculture to show that it was substandard.

On May 12, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two lots, consisting of 250 cases and 300 cases, respectively, of canned tomatoes, at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about February 16, 1932, by the Ozark Canning Co., from Springdale, Ark., to Lincoln, Nebr., and charging misbranding in violation of the Food and Drugs Act. The 250-case lot was labeled in part: (Can) "Ozark Pride Brand Tomatoes * * * Packed by Ozark Canning Co., Hinesville, Ark." The remainder was labeled in part: (Can) "Linco Brand Tomatoes."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since both lots contained excessive peel, and the 300-case lot also was of substandard color; and the label failed to bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that the article fell below such standard.

On July 11, 1932, the Grainger Bros. Co., Lincoln, Nebr., claimant, having admitted the libel, and having consented to condemnation and forfeiture of the property, a decree was entered adjudging the product to be misbranded. It was ordered by the court that the goods be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture,*

20492. Adulteration and misbranding of butter. U. S. v. 5 Cases and 2 Cases of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 28690. Sample nos. 1568-A, 1569-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress. The article also was found to be rancid.

On July 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cases of butter, remaining in the original unbroken packages at Longview, Wash., alleging that the article had been shipped in interstate commerce on or about July 25, 1932, by Frye & Co. from Portland, Oreg., to Longview, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance. Adulteration was alleged for the further reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

Misbranding of the article was alleged for the reason that it was labeled butter, which was false and misleading since it contained less than 80 percent of butterfat.

On December 24, 1932, Frye & Co., Portland, Oreg., claimant, having consented to the destruction of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that costs of the proceedings be assessed against claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20493. Adulteration of canned salmon. U. S. v. 250 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29092. Sample no. 15065-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be in part decomposed.

On October 21, 1932, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 cases of canned salmon, remaining in the original packages at Walla Walla, Wash., alleging that the article had been shipped on or about August 31, 1932, by the Superior Packing Co., from Tenakee, Alaska, to Seattle, Wash., that it had been reshipped from Seattle to Walla Walla, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Blue and White Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 20, 1932, the Superior Packing Co., Tenakee, Alaska, having appeared as claimant and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned so as to comply with the provisions of the Food and Drugs Act, upon payment of costs and the execution of a bond in the sum of \$500.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20494. Adulteration of cheese. U. S. v. 7 Cheeses, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29076. Sample nos. 4391-A, 4392-A.)

This action involved the interstate shipment of a quantity of cheese, examination of which showed the product to be deficient in fat.

On October 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cheeses at Chicago, Ill., alleging that the article had been shipped in part on or about May 3, 1932, and in part on or about August 13, 1932, by Armour Creameries Co., from Monroe, Wis., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

On December 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20495. Adulteration of dressed chickens. U. S. v. 3 Boxes Containing 23 Chickens. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29053. Sample no. 17253-A.)

This action involved the interstate shipment of dressed chickens which were diseased and decomposed.

On October 13, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes containing 23 dressed chickens, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 1, 1932, by the Jerome Cooperative Creamery, from Jerome, Idaho, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled in part: "No. 2 Col Fowls"; "No. 2 Fryers."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and was the product of diseased animals.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20496. Adulteration of canned salmon. U. S. v. 865 Cases of Canned Salmon. Portion of product released unconditionally. Consent decree condemning 70 27/48 cases. Order of release under bond for separation and destruction of unfit portion. (F. & D. no. 28739. Sample no. 1478-A.)

This action involved a shipment of canned salmon, consisting of various coded lots. One of the coded lots, which was intermingled with the entire shipment, was found to be in part decomposed.

On August 20, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 865 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kadiak Fisheries Co., from Kodiak, Alaska, on or about July 9, 1932, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The cases were labeled "Kadiak Fish Kodiak", and coded variously "K045, etc."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 14, 1932, the Kadiak Fisheries Co., Kodiak, Alaska, having appeared as claimant for the property, the court entered an order releasing all salmon with the exception of the lot coded "K045", consisting of 70 cases and 27 cans. On December 1, 1932, the claimant having admitted the allegations of the libel with respect to the said lot and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that a portion of the condemned goods might be unadulterated, ordered that it be released to the claimant upon payment of costs and the execution of a bond, conditioned that the unfit salmon be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20497. Adulteration of canned shrimp. U. S. v. 496 Cases of Canned Shrimp. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 28368. Sample no. 11058-A.)

This action involved the interstate shipment of a quantity of canned shrimp which was found to be in part decomposed.

On June 2, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for the district aforesaid a libel praying seizure and condemnation of 496 cases of canned shrimp, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 26, 1932, by Dorgan, McPhillips Packing Corporation from Mobile, Ala., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Gulf Kist Brand Fancy Medium Shrimp Packed by Dorgan, McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 23, 1932, no appearance or claim having been entered, judgment of condemnation, forfeiture, and destruction was decreed and the court ordered the product destroyed by the United States marshal. Subsequently the Great Atlantic & Pacific Tea Co., at New York, N. Y., appeared on behalf of the Dorgan, McPhillips Packing Corporation and filed a motion to vacate the decree, and on July 6, 1932, an order was entered granting the motion and permitting intervenor to file a claim and stipulation for costs. On December 2, 1932, the claim was withdrawn and the court ordered that the writ of destruction issue. The motion to withdraw stipulation for costs was denied and costs were assessed against claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20498. Misbranding of sirup. U. S. v. 10½ Cases, et al., of Sirup. Product released under bond to be relabeled. (F. & D. no. 28794. Sample nos. 2245-A, 2246-A, 2247-A.)

This action involved the interstate shipment of a product represented to be cane-flavored sirup, sample cans of which were found to contain less than the declared volume. Examination also showed that the article contained no flavor of cane sirup.

On August 25, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases and 42 cases of sirup, remaining in the original packages at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce, in part on or about April 15, 1932, and in part on or about June 18, 1932, by the H. A. Marr Grocery Co., from Amarillo, Tex., to Clovis, N. Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Bliss Pancake Brand Cane Flavor Syrup Bliss Syrup and Preserving Co., Kansas City, Mo. Net Weight 2 Lbs. 8 Ozs. [or "Net Weight Five Lbs."]."

It was alleged in the libel that the article was misbranded in that the statements, "Contents Two Lbs. Eight Ozs.", "Contents Five Lbs.", and "Cane Flavor", borne on the can labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than the declared weight, and since the article had no flavor of cane sirup. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On December 7, 1932, the Bliss Syrup & Preserving Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel and the court having found that the product should be relabeled to show its true nature and the correct quantity of the contents in terms of fluid measure, judgment was entered ordering that the product be released to the claimant upon payment of costs and execution of a bond in the sum of \$200. conditioned that the cans labeled "5 Lbs." be relabeled "Contents 3 Pints 4 Fluid Ounces", that the cans labeled "2 Lbs. 8 Ozs." be relabeled "One Pint 8 Fluid Ounces", and that the statement "Cane Flavor" be completely removed from the label.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20499. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28843. Sample no. 12024-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 9, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1932, by Arrow Creamery Co., Hazen, N. Dak., through Northwest Dairy Forwarding Co., from Duluth, Minn., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

Joseph J. Herold, New York N. Y., interposed a claim for the property as agent for the Arrow Creamery Co., Hazen, N. Dak., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On November 29, 1932, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that the product be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20500. Adulteration and misbranding of shelled peanuts. U. S. v. 225 Bags of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28825. Sample no. 15138-A.)

This action involved a quantity of shelled peanuts that were found to be in part wormy and worm eaten; no declaration of quantity of contents appeared on the packages.

On September 1, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 225 bags of shelled peanuts, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 25, 1932, by Columbian Peanut Co., from Norfolk, Va., to Tacoma, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it was wormy and worm eaten and consisted of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1932, Fisher-Dahl Nut Products Co., Tacoma, Wash., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the peanuts should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, District, or insular possession, and the further condition that the claimant should furnish satisfactory evidence of its compliance with the terms of said bond.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20501. Adulteration of apples. U. S. v. 25 Bushel of Grimes Golden Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29084. Sample no. 24630-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On September 30, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 bushels of Grimes Golden apples at Muncie, Ind., alleging that the article had been shipped in interstate commerce on or about September 21, 1932, by William Hamilton, from Bangor, Mich., to Muncie, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the product harmful to health.

On December 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20502. Adulteration and misbranding of butter. U. S. v. 31 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29069. Sample no. 9497-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 29, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 boxes of butter, remaining in the original and unbroken packages at Springfield, Mass., consigned on or about September 19, 1932, alleging that the article had been shipped in interstate commerce by the Dickinson Creamery Co., from Dickinson, N.Dak., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

On November 18, 1932, the Dickinson Creamery Co., Dickinson, N.Dak., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered that the butter be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20503. Adulteration and misbranding of canned shrimp. U. S. v. 12 Cases and 51 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29190. Sample nos. 16409-A, 16410-A.)

This action involved the interstate shipment of two lots of canned shrimp, which was in part decomposed; sample cans also were found to contain less than the declared weight. The article, because of the presence of excessive brine, fell below the standard of fill of container promulgated by the Secretary of Agriculture, and was not labeled: "Slack Fill. Contains Excess Added Liquid."

On November 3, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 63 cases of canned shrimp, remaining in the original and unbroken packages at Salem, Mass., alleging that the article had been shipped in interstate commerce on or about August 27, 1932, by the Nassau Packing Co. Inc., from Jacksonville, Fla., to Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: (Can) "Net Weight Wet Pack 5¼ Ozs. Ponce de Leon Brand Nassau Shrimp * * * Packed by Nassau Sound Packing Co., Jacksonville, Fla. S. S. Goffin, Proprietor." The remainder was labeled in part: (Can) "Wet Pack 5¼ Ounces Net Weight St. Johns Brand Fresh Shrimp Goods Guaranteed * * * The Nassau Sound Packing Co., Nassauville, Fla."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

Misbranding of the article was alleged for the reason that the statements, "Net Weight 5¼ Ozs." and "5¼ Ounces Net Weight", were false and mis-

leading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since the product was slack-filled because of excessive brine, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard. On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20504. Adulteration of apples. U. S. v. 46 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29317. Sample no. 5049-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 28, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 bushels of apples at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about October 20, 1932, by R. G. Beckwith, from Benton Harbor, Mich., to Peoria, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On December 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20505. Adulteration of cauliflower. U. S. v. 10 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29266, 29328, 29635. Sample nos. 12655-A, 13323-A, 18429-A.)

These actions involved the interstate shipments of quantities of cauliflower that bore arsenic and lead in amounts which might have rendered the article injurious to health.

On October 15, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 crates of cauliflower at Austin, Tex. On or about October 18, 1932, the United States attorney for the Southern District of Texas filed libels against 10 crates of cauliflower at Corpus Christi, Tex., and 27 crates at Galveston, Tex. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about October 1, 1932, and in part on or about October 5, 1932, by the Rocky Mountain Produce Co., from Denver, Colo., and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it contained added poisonous and deleterious ingredients, arsenic and lead, which ingredients might have rendered the product injurious to health.

On November 18, December 2, and December 9, 1932, no claim having been entered in the cases, nor answers filed to the various libels, judgments of condemnation and forfeiture were entered, and it was ordered by the courts that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20506. Adulteration of apples. U. S. v. 710 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29637. Sample no. 18037-A.)

This action involved the interstate shipment of a quantity of apples that bore arsenate of lead in an amount which might have rendered them injurious to health.

On November 16, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for the district aforesaid a libel praying seizure and condemnation of 710 boxes of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about October 27, 1932, by the Northwestern Fruit Exchange, from Stratford, Wash., to Billings, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delicious Wash. * * * Grown by Stratford Orchards Co. Stratford, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, in an amount which might have rendered the article injurious to health.

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20507. Adulteration of cauliflower. U. S. v. 250 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction of 171 crates; 79 crates of the product released. (F. & D. no. 29260. Sample no. 7615-A.)

This action involved the interstate shipment of a quantity of cauliflower, a portion of which bore arsenic in an amount which might have rendered the article injurious to health.

On October 17, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 crates of cauliflower, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 6, 1932, by Celery Vale Farms, from Denver, Colo., to Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

The consignor, the Celery Vale Farms, Denver, Colo., and the consignee, the Winn & Lovett Grocery Co., Inc., Jacksonville, Fla., entered an appearance and filed a claim for 79 crates of the product representing that the cauliflower in this lot had not been sprayed with arsenic, and consented to the destruction of the remainder. Examination of the said 79 crates having shown that they contained no arsenic, on October 26, 1932, judgment was entered ordering that they be released and that the remainder be condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20508. Adulteration and misbranding of loganberry juice. U. S. v. Northwest, Inc., and Cuthbert M. Miall and Carl Huber, Officers of the Corporation. Pleas of guilty. Fine, \$2. (F. & D. no. 28134. I. S. no. 40028.)

This action involved the interstate shipment of a product represented to be pure loganberry juice, which contained undeclared added water. The article also contained added sugar which was not clearly and conspicuously declared on the label, since the declaration appeared in a position and type not readily noticeable.

On December 15, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Northwest, Inc., Salem, Oreg., and Cuthbert M. Miall and Carl Huber, officers of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 24, 1931, from the State of Oregon into the State of Illinois, of a quantity of loganberry juice that was adulterated and misbranded. The article was labeled in part: (Case) "Northwest Canning Company, Salem, Oregon, * * * U. S. A. Phez Pure Juice of the Loganberry", (bottle) "Pressed from Luscious Oregon Loganberries * * * Phez Pure Juice of the Loganberry, * * * Northwest Fruit Products Co."

It was alleged in the information that the article was adulterated in that an added, undeclared substance, water, and an added declared substance, sugar, which was declared on the label in a manner not readily noticeable, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure juice of the loganberry, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Juice of the Loganberry", appearing on the case and also appearing in large conspicuous type on contrasting background on the bottle label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements represented that the article consisted solely of pure juice of the loganberry, whereas it consisted in part of undeclared, added water and added sugar that was declared on the label in a manner not readily noticeable in faint type on non-contrasting background. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 15, 1932, pleas of guilty to the information were entered on behalf of the defendant company and by the officers individually, and the court imposed a fine of \$2.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20509. Adulteration and misbranding of Swiss cheese. U. S. v. 21 Tubs and 9 Tubs of Swiss Cheese. Consent decree of condemnation and forfeiture. Product released under bond to be used in making process cheese. (F. & D. no. 29200. Sample nos. 4394-A, 4400-A, 4424-A, 4425-A.)

Samples taken from the Swiss cheese involved in this case showed that some of the cheese was deficient in fat.

On or about November 9, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 tubs of Swiss cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on or about August 26, 1932, and in part on or about August 28, 1932, by Carl Marty, from Monroe, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, "From Carl Marty Monroe Wis.", and was invoiced as Swiss cheese.

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted in part for Swiss cheese, which the article purported to be.

Misbranding of the article was alleged for the reason that it was offered for sale under the distinctive name of another article.

On December 22, 1932, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws. The decree further provided that the product might be used in the manufacture of pasteurized process cheese.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20510. Adulteration of Swiss cheese. U. S. v. 3 Tubs, et al., of Swiss Cheese. Consent decree of condemnation and forfeiture. Product released under bond to be used in making process cheese. (F. & D. nos. 29193, 29194. Sample nos. 4393-A, 4398-A, 4399-A, 4421-A, 4422-A.)

Samples taken from the Swiss cheese involved in these cases showed that some of the cheese was deficient in fat.

On or about November 9, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 tubs of Swiss cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about August 10, August 17, and August 23, 1932, in part by N. Dorman & Co., and in part by the Abplanalp Co., respectively, from Monroe, Wis., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted in part for Swiss cheese, which the article purported to be.

On December 22, 1932, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the

execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws. The decree further provided that the product might be used in the manufacture of pasteurized process cheese.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20511. Adulteration and misbranding of mustard seed. U. S. v. 65 Bags and 22 Bags of Mustard Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29109. Sample nos. 5367-A. 5368-A.)

This case involved a shipment of two lots of mustard seed which was found to contain a large amount of charlock seed. Samples taken from one lot also were found to contain insect excreta and weed seed.

On October 21, 1932, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 bags of mustard seed, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about July 5, 1932, by the Security Warehouse Co., from Minneapolis, Minn., to Milwaukee, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced as domestic mustard seed.

It was alleged in the libel that the article was adulterated in that charlock seed had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was sold under the distinctive name of another article.

On December 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20512. Adulteration of canned salmon. U. S. v. 100 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 29110. Sample no. 2890-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On October 22, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of canned salmon, remaining in the original unbroken packages at Sparta, Wis., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by the C. F. Buelow Co., from Seattle, Wash., to Sparta, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 28, 1932, the Lange Grocery Co., Sparta, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the unfit portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20513. Adulteration and misbranding of cheese. U. S. v. 10 Cases of Cheese. Product released under bond to be relabeled. (F. & D. no. 28491. Sample no. 2353-A.)

This case involved the interstate shipment of a quantity of cheese, samples of which were found to be deficient in fat and to contain excessive moisture.

On or about July 30, 1932, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of cheese at Flagstaff, Ariz., alleging that the article had been shipped in interstate commerce on or about July 8,

1932, by the Frink Creamery Co., from Denver, Colo., to Flagstaff, Ariz., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Full Cream A Number 1 Cheese."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted for the article.

Misbranding of the article was alleged for the reason that the statement, "Full Cream A Number One Cheese", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article had been offered for sale under the distinctive name of another article.

On October 14, 1932, the Frink Creamery Co., Denver, Colo., having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled and that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act or the laws of the State of Arizona.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20514. Adulteration of cauliflower. U. S. v. 18 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29265. Sample no. 18428-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic and lead in amounts which might have rendered it injurious to health.

On or about October 21, 1932, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 crates of cauliflower, remaining in the original packages at Corpus Christi, Tex., alleging that the article had been shipped in interstate commerce on or about October 4, 1932, by Z. J. Fort Produce Co., from Denver, Colo., to Corpus Christi, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On December 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20515. Misbranding and alleged adulteration of strawberry cream sandwich and strawberry cream biscuits. U. S. v. Loose-Wiles Biscuit Co. Tried to jury. Adulteration charges dismissed. Verdict for the Government on misbranding charges. Fine, \$600. (F. & D. no. 27491. I. S. nos. 9717, 927784, 30299.)

This case was based on a shipment of bakers' products described as "Strawberry Cream Sandwich" and "Strawberry Cream Biscuits", which consisted of cakes containing an artificially colored and artificially flavored substance as a filler. The articles contained no true strawberry flavor.

On April 28, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Loose-Wiles Biscuit Co., a corporation, Long Island City, N.Y., alleging shipment by said company in violation of the Food and Drugs Act on or about January 20, 1930, March 23, 1931, April 25, 1931, and May 2, 1931, from the State of New York into the States of New Jersey, Maryland, and Pennsylvania, respectively, of quantities of strawberry cream sandwiches and strawberry cream biscuits that were misbranded. The articles were labeled in part: "Strawberry Cream Sandwich Delicious Shortcake Encasing Delightfully Flavored Velvety Strawberry Cream * * * Artificially Colored and Flavored"; and "Strawberry Cream (Artificially Colored and Flavored) English Style Biscuits * * * Loose-Wiles Biscuit Company Address New York N.Y."

The information alleged that the articles were adulterated in that a product artificially colored and flavored and which contained no strawberry had been substituted for strawberry cream sandwiches and biscuits. Adulteration was

alleged for the further reason that the articles were inferior to strawberry cream sandwiches and biscuits and were artificially colored and flavored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Strawberry Cream Sandwich" and "Strawberry Cream Biscuits", borne on the package, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that the articles consisted of strawberry cream products, whereas they consisted of artificially colored and artificially flavored products that contained no strawberry. Misbranding was alleged for the further reason that the articles were artificially colored and artificially flavored products that contained no strawberry, prepared in imitation of and offered for sale under the distinctive names of other articles.

On November 30, 1932, the case came on for trial before the court and a jury. The Government introduced evidence, at the completion of which the defense moved that the case be dismissed. The court granted the defendant's motion with respect to the adulteration charges. The case was submitted to the jury on the misbranding charges, and a verdict of guilty was returned. A motion was made by the defendant for a new trial which was denied, and a sentence of \$600 was imposed. On January 30, 1933, the fine was paid.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20516. Adulteration of pecan pieces. U. S. v. 3 Barrels of Pecan Pieces. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29243. I. S. no. 10271-A.)

This action involved the interstate shipment of a quantity of pecan pieces, samples of which were found to be wormy, rancid, and decomposed.

On November 11, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three barrels of pecan pieces at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 10, 1932, by the Southern Edible Products Co., from Albany, Ga., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On December 24, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20517. Adulteration of shelled peanuts. U. S. v. 28 Sacks of Shelled Peanuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29259. Sample no. 21056-A.)

This action involved the interstate shipment of a quantity of shelled peanuts, samples of which were found to be worm eaten.

On November 10, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 sacks of shelled peanuts, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1932, by John G. Maclin Peanut Co., from Petersburg, Va., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On December 21, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20518. Adulteration of cauliflower. U. S. v. 392 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29137. Sample no. 20439-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 17, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 392 crates of cauliflower, remaining in the original and unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1932, by William Kroemer, from Calverton, N.Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20519. Adulteration of apples. U. S. v. 305 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29636. Sample no. 18033-A.)

This action involved the interstate shipment of a quantity of apples that bore arsenic and lead in amounts which might have rendered the article injurious to health.

On or about November 16, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 305 boxes of apples at Lewistown, Mont., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by Stratford Orchards Co., from Stratford, Wash., to Lewistown, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delicious * * * Wash. No. 3—Grown by Stratford Orchards Co., Stratford, Wash."

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered the article injurious to health.

On December 20, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20520. Adulteration of cauliflower. U. S. v. 8½ Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29638. Sample no. 18582-A.)

This action involved the interstate shipment of a quantity of cauliflower that bore arsenic in an amount which might have rendered it injurious to health.

On October 26, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight and one half crates of cauliflower, remaining in the original unbroken packages at Waco, Tex., alleging that the article had been shipped in interstate commerce on or about October 10, 1932, by the Burton Produce Co., from Denver, Colo. to Waco, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the product injurious to health.

On November 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20521. Adulteration of canned salmon. U. S. v. 400 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29124. Sample no. 26376-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On October 26, 1932, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of canned salmon at Ashland, Ky., alleging that the article had been shipped in interstate commerce from Seattle, Wash., to Ashland, Ky., consigned on or about September 9, 1932, by C. F. Buelow Co. Inc., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Pink Salmon * * * C. F. Buelow Company, Incorporated, Seattle, U.S.A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 8, 1932, Duling Bros., Ashland, Ky., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws, and that it be brought into conformity with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20522. Adulteration of crab meat. U. S. v. 20 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 28875. Sample no. 22314-A.)

This action involved the interstate shipment of a quantity of crab meat that was found to contain filth.

On September 7, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 20 cans of crab meat, remaining in the original unbroken packages at Washington, D.C., alleging that the article had been shipped on or about September 1, 1932, by McMenamin & Co., Inc., Hampton, Va., and had been transported from the State of Virginia into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On December 9, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20523. Adulteration of canned prunes. U. S. v. Ray-Brown Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 28193. I. S. no. 20880.)

This action was based on the interstate shipment of a quantity of canned prunes, samples of which were found to be decomposed.

On December 1, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Ray-Brown Co. Inc., a corporation, Woodburn, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 15, 1930, from the State of Oregon into the State of Minnesota, of a quantity of canned prunes that were adulterated. The article was labeled in part: "Fresh Prunes * * * Packed by Ray-Brown Company, Inc. Kitchens Woodburn, Oregon."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On December 1, 1932, H. W. Ray entered a plea of guilty for the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20524. Adulteration of butter. U. S. v. Hans P. Mossing (H. P. Mossing). Plea of guilty. Fine, \$10. (F. & D. no. 27511. I. S. no. 35654.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On March 5, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Hans P. Mossing, trading as H. P. Mossing, Dodge, Wis., alleging ship-

ment by said defendant in violation of the Food and Drugs Act, on or about June 2, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of March 4, 1923.

On November 28, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20525. Adulteration of pecans. U. S. v. 4 Sacks of Pecans. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28328. Sample no. 6547-A.)

Samples of pecans taken from the shipment involved in this action were found to be moldy, rancid, and decomposed.

On May 18, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four sacks of pecans, remaining in the original and unbroken sacks at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 24, 1932, by the National Pecan Marketing Association, from Gulfport, Miss., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "National Pecan Marketing Association, Jackson, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On November 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20526. Adulteration of butter. U. S. v. Thirty-five 10-Pound Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28323. Sample no. 8120-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter prescribed by Congress.

On May 5, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty-five 10-pound cartons of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about April 29, 1932, by S. H. Grinstead Co., from Lebanon, Ky., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On May 7, 1932, the Kingan Provision Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reworked under the supervision of this Department, and that it should not be sold or disposed of in violation of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20527. Adulteration and misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Default decree. Product ordered delivered to a charitable institution. (F. & D. no. 27962. I. S. no. 53522. S. no. 5999.)

This action involved an interstate shipment of water-packed cherries containing excessive pits, which were not labeled to show that they fell below the standard for canned cherries established by the Secretary of Agriculture.

On March 29, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 cases of canned cherries, remaining in the original packages at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about August 25, 1931, by the Great Lakes Fruit Industries, of Onekama, Mich., from Toledo, Ohio, to Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Onekama Brand Red Sour Pitted Cherries Unsweetened * * * Packed by Onekama Canning Co., Onekama, Michigan."

It was alleged in the libel that the product was adulterated in that partially pitted cherries had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Pitted Cherries", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the product was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was water-packed and its package or label did not bear a plain and conspicuous statement indicating that the product fell below such standard.

On November 18, 1932, no claimant having appeared for the property, and the court having found that the product could be relabeled and made to comply with the law, judgment was entered ordering that it be delivered to charitable institutions.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20528. Adulteration of butter. U. S. v. William F. Becker (De Soto Creamery). Plea of guilty. Fine, \$10. (F. & D. no. 28039. I. S. no. 36349.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On July 8, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William F. Becker, trading as De Soto Creamery, at De Soto, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 29, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On December 5, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20529. Misbranding of canned orange juice. U. S. v. Floriorange Canneries, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 27543. I. S. no. 22306.)

This action was based on the interstate shipment of a quantity of canned orange juice, sample cans of which were found to contain less than the declared volume.

On May 17, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Floriorange Canneries, Inc., Mount Dora, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1931, from the State of Florida into the State of Washington, of a quantity of orange juice that was misbranded. The article was labeled in part: (Cans) "Floriorange Orange Juice Contents 1 Pint 4 Fl. Oz. Floriorange Canneries, Inc. Main Office Mount Dora, Florida."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Pint 4 Fl. Oz.", borne on the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the con-

since was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 17, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20530. Adulteration of canned salmon. U. S. v. Pioneer Sea Foods Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 27550. I. S. nos. 22371, 22373.)

This action was based on the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On November 1, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Pioneer Sea Foods Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 30, 1931, and September 2, 1931, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On November 30, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20531. Adulteration of crab meat. U. S. v. 125 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28796. Sample no. 16020-A.)

This action involved the interstate shipment of a quantity of crab meat that was contaminated with *B. coli*, indicating the presence of filth.

On August 25, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about August 23, 1932, by C. A. Loockerman, Crisfield, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20532. Adulteration and misbranding of vinegar. U. S. v. 10 Cases of Vinegar. Default decree of forfeiture and destruction. (F. & D. no. 28296. I. S. no. 23227. S. no. 6167.)

This action involved the interstate shipment of a quantity of vinegar that contained arsenic and lead in an amount which might have rendered the article injurious to health.

On May 9, 1932, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of vinegar, remaining in the original packages at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about December 30, 1931, by Jones Bros. & Co., Inc., from Portland, Oreg., to Lewiston, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Pure Cider Vinegar, Jones 'Just the Juice' * * * Jones Bros. Inc., Portland, Oreg."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article harmful to health.

Misbranding of the article was alleged for the reason that the statement on the bottles, "Pure Cider Vinegar, 'Jones Just the Juice', contents 32 oz. Jones

Bros. Co. Inc., Portland, Oregon", was false and misleading and deceived and misled the purchaser.

On November 16, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20533. Adulteration of canned salmon. U. S. v. 102 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 29091. Sample nos. 5192-A, 5193-A, 5194-A, 5195-A.)

This action involved the interstate shipment of a quantity of canned salmon that was found to be in part decomposed.

On or about October 24, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 131 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 18, 1932, by F. A. Gosse Co., from Seattle, Wash., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Seabest Alaska Red * * * Salmon." The remainder was unlabeled.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 5, 1932, the Superior Packing Co. and Martin C. White, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimants for separation and destruction of the unfit portion, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20534. Adulteration and misbranding of Eggwhite. U. S. v. 1½ Barrels, et al., of Eggwhite. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 12120, 12579. I. S. nos. 9529-r, 17365-r. S. nos. C-1879, E-1941.)

These cases involved two shipments of Eggwhite, a product which was labeled to convey the impression that it was an egg product, and which upon examination was found to consist of about equal parts of dried egg albumen and starch. The article also contained saponin, which might have rendered it injurious to health.

On January 26, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of one and one half barrels of Eggwhite at Washington, D.C., alleging that the article had been shipped on or about December 4, 1919, by the International Co., from Baltimore, Md. to Washington, D.C. On April 9, 1920, the United States attorney for the Eastern District of Louisiana filed a libel against one barrel of the same product, charging that it had been shipped on or about February 11, 1920, by the S. N. Long Warehouse Co., from East St. Louis, Ill., to New Orleans, La. Both libels charged that the article was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that starch and saponin had been mixed and packed therewith and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed, and in that it contained an added poisonous or added deleterious ingredient which might have rendered it injurious to health. Adulteration was alleged with respect to the product seized at Washington, D.C., for the further reason that a valuable constituent of the article, egg albumen, had been in part abstracted.

Misbranding of the product seized at Washington, D. C., was alleged for the reason that the statements on the containers, "Egg Products Eggwhite * * * Bakers & Confectioners Specialties", were false and misleading, and deceived and misled the purchaser into the belief that the article was an egg product, whereas it was a product containing other substances, namely,

starch and saponin; and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, namely, "Egg Products." Misbranding was alleged with respect to the product seized at New Orleans, La., for the reason that it was an imitation of another article, "Egg White."

On February 19, 1920, the International Co., Baltimore, Md., and M. Holzebeierlein, Washington, D. C., entered appearances in the case instituted in the District of Columbia, denying the material allegations of the libel and praying dismissal of the case. The respondents, however, having failed to file claims and stipulations for costs, on October 6, 1932, the court entered judgment dismissing the answers, condemning and forfeiting the product, and ordering that it be destroyed by the United States marshal. No formal appearance was made in the New Orleans case and on February 12, 1923, judgment of condemnation, forfeiture, and destruction was entered.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20535. Adulteration of caraway seed. U. S. v. 1 Bag of Caraway Seed. Default decree of condemnation and destruction. (F. & D. no. 28713. Sample no. 8671-A.)

This action involved a shipment of caraway seed which was found to be contaminated with rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one bag of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., consigned by the Great Atlantic & Pacific Tea Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 15, 1932, from New York, N. Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20536. Adulteration and misbranding of dried black cherries. U. S. v. 312 Cases of Dried Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28643. Sample no. 11536-A.)

The product in this case consisted of dried black cherries which were in part decomposed and moldy. A portion of the cases were not labeled to show the quantity of the contents.

On August 11, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 312 cases of dried cherries at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about July 12, 1932, by the California Dried Fruit & Nut Co., Lawrence, Calif., from San Francisco, Calif., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Net Weight Lbs. Lawrence Brand Santa Clara Ex. Fancy Black Cherries Packed by Calif. Dried Fruit & Nut Co. Lawrence, Calif." A portion of the cases bore the statement "25 lbs." The remainder bore no statement of weight.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding of a portion of the article was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20537. Adulteration of caraway seed. U. S. v. 7 Bags, et al., of Caraway Seed. Default decrees of condemnation and destruction. (F. & D. nos. 28707, 28714. Sample nos. 8672-A, 8928-A.)

These actions involved the interstate shipment of quantities of caraway seed that was found to contain rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 12 bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Archibald & Kendall, Inc., in part from New York on or about June 9, 1932, and in part from St. Louis, Mo., on or about June 30, 1932, and had been transported from the States of New York and Missouri, respectively, into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of filthy vegetable substances.

On December 19, 1932, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20538. Adulteration and misbranding of tomato paste. U. S. v. 243 Cases, et al., of Tomato Paste. Decrees of condemnation entered. Portion of product released under bond to be relabeled. Remainder destroyed. (F. & D. nos. 28008, 28401, 28402, 28406. Sample nos. S. 6063, 7341-A, 7397-A.)

These cases involved several shipments of a product represented to be canned tomato paste, but which consisted of a strained tomato product insufficiently concentrated to be designated as tomato paste. Sample cans taken from two of the lots also were found to contain less than the declared weight, 5 ounces.

On April 13, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 243 cases of tomato paste at New Orleans, La. On June 16, 1932, libels were filed in the Southern District of Mississippi against 75 cases of tomato paste at Jackson, Miss., and on the same date a libel was filed in the Western District of Louisiana against 43 cases of the product at Lake Charles, La. It was alleged in the libels that the article had been shipped in interstate commerce, by F. G. Favoloro Sons, Inc.; that certain of the lots had been shipped on or about December 30, 1930, and May 6, 1932, from Baltimore, Md., into the State of Louisiana, and that the remainder had been shipped on or about April 18, 1932, from New Orleans, La., into the State of Mississippi, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Cowboy Brand Tomato Paste, Contents 5 Ounces [or "Carmela Brand Color Added Tomato Paste, Net Weight 5 Ounces"] * * * Packed by F. G. Favoloro Sons, Inc. Harrington, Del. [or "New Orleans, La.]."

It was alleged in substance in the libels that the article was adulterated in that an insufficiently concentrated tomato product had been substituted for the article.

Misbranding was alleged for the reason that the statement "Tomato Paste", borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the product libeled in the Eastern and Western Districts of Louisiana for the further reason that the statements, "Net Weight 5 Ounces" or "Contents 5 Ounces", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 16, 1932, F. G. Favoloro Sons, Inc., New Orleans, La., having appeared as claimant for the product seized in the Western District of Louisiana, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled. On April 5, 1933, no claim having been made for the property

seized at Jackson, Miss., judgments were entered ordering that the product be condemned and destroyed. On June 19, 1933, a decree was entered in the Eastern District of Louisiana, condemning the product and ordering its release to the claimant, F. G. Favoloro Sons, Inc., under bond in the sum of \$1,500, conditioned that it be properly relabeled.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20539. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree ordering product released under bond to be reworked. (F. & D. no. 29071. Sample no. 10075-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 26, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter at Jersey City, N. J., consigned by the Harrow-Taylor Butter Co., Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 8, 1932, from Kansas City, Mo., to Jersey City, N. J., and changing adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On November 26, 1932, the Harrow-Taylor Butter Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the condemnation of the product, judgment was entered ordering that the butter be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked so that it comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20540. Adulteration of canned tomato puree. U. S. v. 226 Cases, et al., of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 28635. Sample nos. 8926-A, 8927-A.)

This case involved a quantity of tomato puree that was found to contain excessive mold.

On August 11, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 906 cases of canned tomato puree, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about January 29, 1932, and in part on or about April 26, 1932, by the Haxton Canning Co., from Oakfield, N. Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Haxton Brand Fancy Tomato Puree * * * Packed by Haxton Canning Co., Inc., * * * Oakfield, N. Y." The remainder was labeled in part: "Carson Brand Tomato Puree C. D. Co."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20541. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28624. Sample no. 11993-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On July 26, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter, remaining in the original unbroken pack-

ages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1932, by the Farmers Cooperative Creamery Association, Chester, Iowa, through Chester Creamery Co., Ridgeway, Iowa, into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

Joseph J. Herold, New York, N.Y., interposed a claim for the property as agent for the Farmers Creamery Association, Chester, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On November 29, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20542. Adulteration of canned shrimp. U. S. v. 400 Cases, et al., of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28326, 28330. Sample nos. 1416-A, 1418-A.)

These actions involved the interstate shipment of quantities of canned shrimp, samples of which were found to be decomposed.

On May 16, 1932 and May 19, 1932, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 900 cases of canned shrimp, remaining in the original unbroken packages at Portland, Oreg. It was alleged in the libels that 150 cases of canned shrimp had been shipped from New Orleans, La., and 250 cases from Mobile, Ala., about February 22, 1932; that 500 cases had been shipped from New Orleans, La., on or about March 8, 1932; that all shipments of the article had been made by the Biloxi Canning & Packing Co., of Biloxi, Miss., in interstate commerce into the State of Oregon and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Biloxi Quality Brand Shrimp. Packed by Biloxi Canning & Packing Company Biloxi, Miss. Dry Pack." The remainder was labeled in part: (Cans) "Three C Brand Shrimp * * * Packed by C. C. Company, Biloxi, Miss."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 22, 1932, the intervenor, the Biloxi Canning & Packing Co., Biloxi, Miss., having withdrawn its answer to the libels, all parties in interest were pronounced in default. Judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20543. Misbranding of cooking and table oil. U. S. v. 80 Cans, et al., of Cooking and Table Oil. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28856, 28857. Sample nos. 8390-A, 8391-A.)

These actions involved the interstate shipment of quantities of cooking and table oil, sample cans of which were found to contain less than 1 gallon, the weight declared on the label.

On September 6, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 150 cans of cooking and table oil, remaining in the original unbroken packages at Easton, Pa., alleging that the article had been shipped in interstate commerce in various consignments on or about June 10, August 8, and September 21, 1931, and April 7, 1932, in part by the Italian Food Products Corporation of America, and in part by F. Rizzo di Cavalcante, from Trenton, N.J., to Easton, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can)

"Double Star Brand Cooking and Table Oil * * * Net Contents One Gallon * * * Packed by F. Rizzo di Cavalcante, Trenton, N.J."

It was alleged in the libels that the article was misbranded in that the statement, "Net Contents One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On November 2, 1932, the Italian Food Products Corporation of America and F. Rizzo di Cavalcante, Trenton, N.J., having appeared as claimants for respective portions of the property, judgments of condemnation and forfeiture were entered. It was ordered by the court that the product be released to the claimants upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20544. Adulteration and misbranding of butter. U. S. v. 30 Cases of Butter. Product released under bond to be reworked. (F. & D. no. 28966. Sample no. 1200-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 6, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about August 29, 1932, by the Western Creamery Co., from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Meadowbrook Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

It was further alleged in the libel that the article was misbranded in violation of the general paragraph of section 8 of the act, since it was labeled butter and contained less than 80 percent of milk fat.

On September 30, 1932, the Western Creamery Co., Salt Lake City, Utah, claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$300, judgment was entered ordering that the product be released to the claimant. On December 20, 1932, the product having been reworked and found in compliance with the law, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20545. Adulteration and misbranding of orange flavoring extract. U. S. v. 1,120 Bottles of Fluidextract of Ginger and 256 Bottles of Orange Flavoring Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27755. I. S. no. 50327. S. no. 5822.)

This action was brought against a shipment of orange extract, a food; and fluidextract of ginger, a drug. Samples of the orange extract were found to contain between one third and one fourth the quantity of orange oil required for orange extract. The article was labeled, "Alcohol Not over 85%", which was deceptive in view of an alcohol content much lower than 85 percent. Furthermore, the statement of the quantity of the contents, "2 ounces", was not in terms of liquid measure; and the net content was less than 2 ounces by weight and less than 2 ounces by measure. The fluidextract of ginger is covered by notice of judgment no. 20570.

On February 16, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,120 bottles of fluidextract of ginger, and 256 bottles of orange flavoring extract. It was alleged in the libel that the articles had been shipped in interstate commerce, on or about November 6, 1931, by the H. L. Jones Co., from Eldorado, Ark. to St. Louis, Mo., that they

remained unsold in the original bottles at St. Louis, Mo., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

Adulteration of the orange extract was alleged for the reason that a flavoring extract deficient in orange oil had been substituted in part for the article, and for the further reason that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Pure Orange Flavoring Extract", was false and misleading and deceived and misled the purchaser; for the further reason that the statement, "Alcohol not over 85 percent", was deceptive to the purchaser when applied to a product containing not more than 56.5 percent of alcohol by volume; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the contents was not expressed in terms of liquid measure. The statement "2 ounces" was an overstatement of the quantity of the contents.

On January 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20546. Adulteration of caraway seed. U. S. v. 4 Bags, et al., of Caraway Seed. Default decrees of condemnation and destruction. (F. & D. nos. 28711, 28712. Sample nos. 8668-A, 8670-A.)

These actions involved the interstate shipment of quantities of caraway seed that was found to contain rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 10 bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about October 23, 1931, by Catz American Co., from New York City, N. Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 19, 1932, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20547. Adulteration and misbranding of jams and preserves. U. S. v. East Coast Preserving Co. Plea of nolo contendere. Fine, \$150. (F. & D. no. 28117. I. S. nos. 21026 to 21033, incl.)

This case was based on the interstate shipment of quantities of blackberry, raspberry, cherry, and strawberry jams, and pineapple preserves, which contained less than the proper proportions of fruit, and to which had been added pectin and sugar to give the products the appearance and consistency of normal jams and preserves; also of quantities of apricot preserves and peach preserves, made from fruit from which a portion of the juice had been removed, and for which sugar, pectin, acid, and water had been substituted. The net weight of the contents of the jars was not properly declared as required by law, since it was made in small inconspicuous type, it was declared in ounces, and not in terms of the largest unit, namely, pounds; and in certain cases it was an overstatement of the weight of the contents.

On August 30, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the East Coast Preserving Co., a corporation, Jacksonville, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 3, 1931, from the State of Florida into the State of South Carolina, of quantities of jams and preserves that were adulterated and misbranded. The articles were labeled in part: (Jars) "Pappy's Blackberry [or "Raspberry", "Cherry", or "Strawberry"] Jam."; or "Pappy's Pineapple [or "Peach" or "Apricot"] Preserves Added Fruit Pectin and Fruit Acid East Coast Preserving Co. Jacksonville, Florida—Net Weight 16 Oz. [or "32 Oz.]."

Adulteration of the blackberry, raspberry, cherry, and strawberry jams, and of the pineapple preserves, was alleged in the information for the reason that sugar, water, and pectin had been mixed and packed with the articles in excess of their proper proportions so as to reduce and lower and injuriously affect the quality and strength of the said articles; and for the further reason that products deficient in fruit and containing an excessive proportion of sugar, water, and pectin had been substituted for the said articles. Adulteration of the peach and apricot preserves was alleged for the reason that fruit juice, a valuable constituent of the articles, had been in part abstracted.

Misbranding of the blackberry, raspberry, cherry, and strawberry jams, and the pineapple preserves, was alleged for the reason that the statements, "Blackberry Jam", "Raspberry Jam", "Pineapple Preserves", "Cherry Jam", and "Strawberry Jam", appearing on the labels of the respective products, followed by the statement, "Added Fruit Pectin & Fruit Acid", were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles were fruit jams or preserves to which had been added fruit pectin and fruit acid, whereas they were not such products, but were deficient in fruit and contained an excessive proportion of sugar, water, and pectin. Misbranding of the said blackberry, raspberry, cherry, and strawberry jams and pineapple preserves was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the raspberry jam and pineapple preserves was alleged for the further reason that the statements of weight, "Net Weight 16 Oz." or "Net Weight 32 Oz.", borne on the labels, also were false and misleading and deceived and misled the purchaser, since certain of the jars contained less than declared in the labeling. Misbranding was alleged with respect to all products for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement of weight was in small and very fine type, was not readily discernible, and was not in terms of the largest unit contained in the package, namely, pounds; and in certain of the products the statement was incorrect.

On December 19, 1932, a plea of *nolo contendere* was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20548. Misbranding of canned tomatoes. U. S. v. 318 Cases, et al., of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28258. I. S. nos. 53906, 53907. S. no. 6088.)

This action involved the interstate shipment of quantities of canned tomatoes which fell below the standard promulgated by the Secretary of Agriculture for such canned food and was not labeled to show that it was substandard.

On April 29, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 486 cases of canned tomatoes, remaining in the original packages at Rock Island, Ill., alleging that the article had been shipped in interstate commerce on or about February 18, 1932, by the Ozark Canning Co., from Springdale, Ark., to Rock Island, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Ozark Pride Brand Hand Packed Tomatoes * * *. Packed by Ozark Canning Co., Hindsville, Ark."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, in that it contained an excessive amount of peel, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard of quality.

On December 15, 1932, the Ozark Canning Co., Hindsville, Ark., having appeared for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled, under the supervision of this Department, so that it comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20549. Adulteration of crab meat. U. S. v. Ten 1-Gallon Containers, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 28602, 28603. Sample nos. 15743-A, 15744-A.)

These actions involved the interstate shipment of quantities of crab meat, which was found to contain filth.

On August 5, 1932, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, libels praying seizure and condemnation of 100 pounds of crab meat, remaining in the original unbroken packages at Washington, D.C., alleging that the article had been shipped on or about August 3, 1932, by the J. M. Clayton Co., Cambridge, Md., and had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On December 9, 1932, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20550. Adulteration of crab meat. U. S. v. 100 Cans, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 28729, 28890, 28891. Sample nos. 15932-A, 22287-A, 22288-A.)

These actions involved the interstate shipment of quantities of crab meat that was contaminated with *B. coli*, indicating the presence of filth.

On August 19 and September 12, 1932, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, libels praying seizure and condemnation of 450 cans of crab meat, remaining in the original unbroken packages at Washington, D.C., alleging that the article had been shipped on or about August 16 and September 6, 1932, by Alex. Haddaway, of Claiborne, Md., in part from McDaniel, Md., and in part from Baltimore, Md., and had been transported from the State of Maryland into the District of Columbia and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted of a filthy animal substance.

On December 9, 1932, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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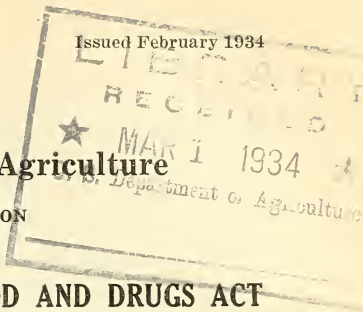
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Buchak, A-----	20412	Abplanalp Co.-----	20510
Burton Produce Co.-----	20520	Armour Creameries Co.-----	20494
Case, R. M.-----	20429	Dorman, N., & Co.-----	20510
Celery Vale Farms-----	20507	Marty, Carl-----	20509
Di Giacomo, James-----	20406	Eggwhite :	
Di Giacomo, John-----	20439	International Co.-----	20534
Fort, Z. J., Produce Co.-----	20473, 20514	Long, S. H., Warehouse Co.-----	20534
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Hartner Produce Co.-----	20428, 20454	Omaha Cold Storage Co.-----	20469
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Kroemer, Wm.-----	20518	Chamberlin, F. B., Co.-----	20458
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Long Island Produce & Ferti-		Fish :	
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Pryzlak, Edward-----	20431	Johnson, Sam, & Son's Fisher-	
Rocky Mountain Produce Co.-----	20456, 20505	ies, Inc.-----	20408, 20417
Rosenblatt & Weiss-----	20438	herring, dressed :	
Rotter, Wendel-----	20470	Hogstad Fish Co.-----	20444
Sternick, M., Inc.-----	20421	North Superior Cooperative	
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Young, I. M., & Co.-----	20449	Iwersen, Ingolfur-----	20433
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Scott County Milling Co	20452	
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Jellies:		
Niblock, G. B.	20463	
Pacific Food Products	20477	
Reed, D. L.	20463	
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Issued February 1934

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

20551-20600

[Approved by the Acting Secretary of Agriculture, Washington, D.C., January 20, 1934]

20551. Adulteration and misbranding of effervescent Caf-Acetan, blue mass pills, sodium cacodylate ampoules, arsenous acid tablets, salol tablets, and fluidextract of squill. U.S. v. John Wyeth & Bro., Inc. Plea of nolo contendere. Fine, \$200. (F. & D. no. 28184. I.S. nos. 42733, 42862, 42874, 43711, 43738, 48766, 48768.)

This case was based on shipments of various pharmaceuticals in the form of pills, ampoules, or tablets which contained smaller amounts of the essential drugs than declared on the labels; of a shipment of so-called "headache salts" designated as effervescent Caf-Acetan which contained less acetanilid than declared, and of a shipment of fluidextract of squill represented to be of pharmacopoeial strength, which upon examination was found to possess less than one half the strength required by the United States Pharmacopoeia for the article.

On January 9, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John Wyeth & Bro., Inc., Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, between the dates of August 24, 1931 and February 16, 1932, from the State of Pennsylvania into the States of New York and New Jersey, respectively, of quantities of Caf-Acetan, blue mass pills, sodium cacodylate ampoules, arsenous acid tablets, salol tablets, and fluidextract of squill, which products were adulterated and misbranded. The articles were labeled in part, variously: "Wyeth's Effervescent Caf-Acetan Headache Salts Containing 10 Grains Acetanilide in Each Ounce John Wyeth & Brother, Incorporated, Philadelphia, Pa."; "Gelatine-Coated Pill Blue Mass 5 Grains"; "12 1 cc. Ampoules * * * Sodium Cacodylate"; "Triturate 100 Arsenous Acid 1-60 Grain"; "Moulded Triturate 100 Arsenous Acid Arsenic Trioxide 1-100 Grain"; "Compressed Tablet Salol 5 Grains"; "Fluid Extract Squill U.S.P. 10th Revision."

Adulteration was alleged in the information for the reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold, as follows: Each ounce of the effervescent Caf-Acetan was represented to contain 10 grains of acetanilid, whereas each ounce of the article contained not more than 8.4 grains of acetanilid. Each of the blue mass pills was represented to contain 5 grains of blue mass, whereas each of said pills contained not more than 3.662 grains of blue mass. Each ampoule of sodium cacodylate was represented to contain 1 cubic centimeter of solution of sodium cacodylate, whereas each of said ampoules contained less than 1 cubic centimeter of solution of sodium cacodylate. Each of the arsenous acid tablets was represented to contain one sixtieth of a grain or one one hundredth of a grain of arsenous acid, whereas the tablets which were represented to contain one sixtieth of a grain of arsenous acid contained not more than 0.0147 grain of the said drug, and the tablets which were represented to contain one one hundredth of a grain of arsenous acid contained not more than 0.0085 grain of the drug. Each of the salol tablets was represented to contain 5

grains of salol, whereas each of the said tablets contained not more than 4.287 grains of salol. The fluidextract of squill was represented to conform to the standard laid down in the United States Pharmacopoeia, tenth revision, whereas it did not. Adulteration of the fluidextract of squill was alleged for the further reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that 1 cubic centimeter of the product corresponded to 0.37 milligram of ouabain, whereas the pharmacopoeia provided that 1 cubic centimeter of fluidextract of squill should correspond to 0.83 milligram of ouabain; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the following statements appearing in the labeling of the respective products were false and misleading: "Effervescent Caf-Acetane * * * Containing 10 Grains Acetanilide in Each Ounce"; "Pill Blue Mass 5 Grains"; "1 cc. Ampoules * * * Sodium Cacodylate"; "Moulded Triturate * * * Arsenous Acid 1-60 Grain"; "Triturate * * * Arsenous Acid Arsenic Trioxide 1-100 Grain"; "Tablet Salol 5 Grains"; "Fluid Extract Squill U.S.P. 10th Revision."

On March 20, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20552. Adulteration and misbranding of Lav-O-Din. U.S. v. The Lav-O-Din Co. Plea of guilty. Fine, \$150. (F. & D. no. 28068. I.S. no. 11161.)

Examination of samples of the drug preparation, Lav-O-Din contained in 4-, 8-, and 16-ounce bottles, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it was an antiseptic, and that it was an iodine antiseptic, whereas it was not an antiseptic when used as directed, and contained no free iodine.

On September 23, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Lav-O-Din Co., a corporation, trading at Oakland, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, in two consignments, on or about January 22 and March 17, 1931, from the State of California into the State of Oregon, of quantities of the said Lav-O-Din, which was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of potassium iodide, sodium chloride, borax, glycerin, alcohol (7.9 percent by volume), and water, flavored with cassia oil and colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an ideal and an iodine antiseptic, and that it could destroy germs when used as directed, whereas it was not an antiseptic when used as directed, and could not destroy the germs commonly present in the conditions for which it was prescribed.

Misbranding was alleged for the reason that the statements, "An Ideal Antiseptic No Germ Can Live In it", borne on certain of the cartons, and the statements, "An Iodine Antiseptic No Germ Can Live In It", borne on the remainder of the cartons and on the bottle labels, and the statements, "An Iodine Antiseptic No Germ Can Live In It, * * * its * * * antiseptic action, * * * an antiseptic, * * * In order to combat disease the germ must be destroyed, * * * It also guards against the germ-laden tooth brush", borne on the circular enclosed in the 4-ounce cartons, were false and misleading, since the article was not an antiseptic when used as directed, and could not destroy the germs commonly present in the conditions for which the product was prescribed. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pyorrhea, trench mouth, spongy and bleeding gums, infections, wounds, cuts, boils, abscesses, carbuncles, running sores, erysipelas, itching eczema, piles in all forms,

sore throat, tonsilitis, quincy, and nasal catarrh; and effective to retard tooth decay and receding gums. Misbranding was alleged with respect to the 4-ounce bottles for the further reason that certain statements, designs, and devices, contained in a circular shipped with the article, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sore throat, quincy, tonsilitis, acute and chronic inflammation of the throat, bleeding gums, pyorrhea, trench mouth, spongy loose gums, cuts, wounds, infections, nasal conditions, nasal catarrh, hay fever and all infections of the nasal cavity; effective as a treatment against disease in time of epidemics; effective as a remedial spray in oral and nasal cavities; and effective to retard tooth decay and receding gums.

On November 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20553. Misbranding of Papoose root beer. U.S. v. 68 Bottles, et al., of Papoose Root Beer. Default decrees of condemnation and destruction. (F. & D. nos. 29058, 29059, 29108. Sample nos. 16937-A, 16943-A, 16946-A.)

Analyses of the root beer extract covered by these cases disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle labels.

On October 14, 1932, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 bottles of the said Papoose root beer extract at Mobile, Ala. On or about October 14, and October 21, 1932, the United States attorney for the Southern District of Mississippi, filed libels against 57½ dozen bottles of the product at Gulfport, Miss. It was alleged in the libels that the article had been shipped in interstate commerce by E. A. Zatarain & Sons, Inc., in various shipments, on or about July 2, July 11, and August 13, 1932, from New Orleans, La., into the States of Alabama and Mississippi, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plants, glycerin, and water, colored with caramel and flavored with sassafras oil and methyl salicylate.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing on the bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: "It is Nature's own remedy. It is a gift from the Almighty * * * It is a treasure for the sick and afflicted. It is free for the blind and in all cases of incurable diseases."

No claim or answer was filed in the cases. On February 27, 1933, judgments of condemnation were entered in the cases instituted in the Southern District of Mississippi, and the court ordered that the product be destroyed by the United States marshal. On March 6, 1933, a decree of condemnation and destruction was entered against the product seized at Mobile, Ala.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20554. Conspiracy to violate the Food and Drugs Act. U.S. v. Harry Lesser, Forrest E. James, Walter E. Anderson, Philip M. Lahn, and Henry J. Henners. Tried to a jury. Indictment dismissed as to defendant Anderson. Defendants Lesser and James found guilty; each sentenced to 1 year and 8 months' imprisonment and fined \$2,500, without costs. Defendant Lahn found guilty and sentenced to 1 year and 5 months' imprisonment, without costs. Verdict of not guilty as to defendant Henners. Appeal to Circuit Court of Appeals. Judgment of conviction affirmed. (Conspiracy no. 100.)

This indictment charging conspiracy to violate the Food and Drugs Act was the result of investigations conducted by the Food and Drug Administration. At the trial evidence was introduced showing interstate shipments by the defendants trading as Jordan Bros., S. A. Hall, and Charles M. Pomeroy, of a product labeled, "Liquid Medicine", and invoiced as "Fluid Extract of Ginger, U.S.P.", or with a similar statement representing that the article was fluidextract of ginger made in accordance with the formula set forth in the United States Pharmacopoeia. Analyses of samples showed that it contained a smaller proportion of ginger extractives than contained in the pharmacopoeial product. It also contained an abnormal ingredient, an organic phosphorous

compound, namely, triorthocresyl phosphate, a substance which is recognized as the cause of so-called "ginger paralysis." Extractives from samples, when administered to chickens, produced a partial paralysis.

On May 26, 1932, the grand jurors of the United States presented to the United States District Court for the Eastern District of New York, an indictment against Harry Lesser, Forrest E. James, Walter E. Anderson, Philip M. Lahn, and Henry J. Henners, trading under the names of Jordan Bros., S. A. Hall, and Charles M. Pomeroy, at Brooklyn, N.Y., charging conspiracy to violate the Federal Food and Drugs Act. The charges contained in the indictment are set out in full in the court's instructions to the jury, which appear hereafter.

On June 16, 1932, the defendants were arraigned and each entered a plea of not guilty. On December 9, 1932, the case came on for trial before a jury. Adjournment, however, was ordered until December 12, at which date the trial commenced. At the opening of the case motions to dismiss the indictment as to all defendants were made and denied. At the end of Government's case these motions were renewed and denied. At the end of the case the motions were further renewed and granted as to defendant Anderson, who was ordered discharged from custody, and denied as to the four remaining defendants. On December 30, 1932, all evidence having been heard and concluding arguments of counsel made, the court delivered the following instructions to the jury (Campbell, J.):

"Gentlemen of the Jury: The defendants are presented before you upon an indictment which in substance is as follows: The defendant Anderson, having been dismissed, I will not include his name in this reading—Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, the defendants herein, at the Borough of Brooklyn, County of Kings, City, State, and Eastern District of New York, and within the jurisdiction of this court, doing business under the names of Jordan Brothers, S. A. Hall, and Charles M. Pomeroy, said names, Jordan Brothers, S. A. Hall, and Charles M. Pomeroy, being fictitious, and having a usual place of business during the times covered by this indictment at Brooklyn, N.Y., and divers other persons whose names and residences are to your grand jurors unknown, did on or about the first day of June in the year 1929, and continuously between that date and the first day of February in the year 1932, at Brooklyn, in said district, willfully, knowingly, and unlawfully conspire, combine, federate, and agree together to commit certain offenses denounced by and in section 2 of the act of Congress of June 30, 1906, sometimes called 'The Food and Drugs Act', the purpose and object of said conspirators, and each of them, being to unlawfully introduce, ship, and deliver for shipment from one State to another adulterated and misbranded foods and drugs, within the meaning of the said act of Congress of June 30, 1906; that is to say, that the said Harry Lesser, Forrest E. James, Philip M. Lahn, and Harry J. Henners, and others, to your grand jurors unknown, should possess, sell, transport, deliver, and introduce, ship, and deliver for shipment from one State to another a large quantity of fluidextract of ginger, sometimes called 'liquid medicine in bulk', which was then and there adulterated, in that it differed from the standard strength, quality, and purity of fluidextract of ginger recognized in the United States Pharmacopoeia, as determined by the tests laid down in the United States Pharmacopoeia, at and during the time covered by this indictment, against the peace and dignity of the United States of America, and contrary to the form of the statute in such case made and provided, Title 18, United States Code, Section 88; that in pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, the above-named defendants did commit the following overt acts: I wish you would retain—this is not in the indictment—that which I just stated to you, but I wish you would retain in your minds that word 'overt act', because in my instructions that will follow I will call your attention particularly to the meaning of it.

"Reverting to the indictment—

"1. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 14th day of March 1930, the said defendants, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of S. A. Hall, did ship to American Products Company, 617 Grand Avenue, Kansas City, Missouri, two barrels of liquid called, 'liquid medicine in bulk', invoiced as '2 bbls. U.S.P., Fl. Ext. Ginger', said invoice being made to Globe Products Company, Fort Worth, Texas;

"2. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 4th day of December, 1930, Harry Lesser, Forrest E.

James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to California two barrels of liquid called 'liquid medicine', invoiced as '2 bbls. Fluid Extract of Ginger, U.S.P.';

"3. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of the same, on the 22nd day of December, 1930, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to California Extract Company, Los Angeles, California, three barrels of liquid called 'liquid medicine', invoiced as '3 bbls. Fluid Extract Ginger, U.S.P.';

"4. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 22nd day of December, 1930, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to California Extract Company, Los Angeles, California, two barrels of liquid called 'liquid medicine', invoiced as '2 bbls. Fluid Extract Ginger, U.S.P.';

"5. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 6th day of January, 1931, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to California Extract Company, Los Angeles, California, five barrels of liquid called 'liquid medicine', invoiced as '5 bbls. U.S.P. Fluid Extract Ginger';

"6. In pursuance of said unlawful conspiracy and for the purpose of effecting the object of same, on the 27th day of January, 1931, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to California Extract Company, Los Angeles, California, five barrels of liquid medicine, invoiced as '5 bbls. Fluid Extract Ginger, U.S.P.';

"7. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 28th day of January, 1931, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to Wholesale Druggist Spec. Company, Los Angeles, California, one barrel liquid medicine, invoiced as 'U.S.P. Fluid Extract Ginger';

"8. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 23rd day of January, 1931, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to California Extract Company, Los Angeles, California, five barrels of flavoring extracts, invoiced as '3 bbls. Im. Pineapple Flavoring Extract, 1 bbl. Im. Cherry Flavoring Extract, 1 bbl. Im. Raspberry Flavoring Extract';

"9. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 23rd day of March, 1931, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Charles M. Pomeroy, did ship to the Valo Products Company, Kansas City, Missouri, three barrels imitation flavoring extract, invoiced as '1 bbl. Imitation Pineapple Flavoring Extract, 1 bbl. Imitation Cherry Flavoring Extract, 1 bbl. Imitation Raspberry Flavoring Extract';

"10. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, on the 21st day of August, 1930, Harry Lesser, Forrest E. James, Philip M. Lahn, and Henry J. Henners, under the name of Jordan Brothers, did ship to P. D. Burkett, Kansas City, Missouri, one barrel liquid drugs, invoiced as '1 bbl. Tincture Valerian U.S.P.';

"11. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, the said defendants did write and cause to be written, certain letters under the names of Jordan Brothers, S. A. Hall, and Charles M. Pomeroy;

"12. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, the said defendants did hold certain conversations with various individuals doing business with them under the various fictitious names of Jordan Brothers, S. A. Hall, and Charles M. Pomeroy;

"13. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, the said defendants did rent certain premises;

"14. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, the said defendants did pay rent upon space in a loft building;

"15. In pursuance of said unlawful conspiracy, and for the purpose of effecting the object of same, the said defendants did cause to be printed certain letterheads containing fictitious names.

"The indictment is but a charge; it is a method whereby a defendant is placed upon trial. Guilt cannot be found simply because an indictment is presented. Guilt, if found, must be found as a result of proof offered at the trial.

"The defendants under the humane provisions of our laws are presumed to be innocent. That presumption is with them from the beginning of the trial right down to the time when you, by your verdict, determine whether that presumption has been rebutted or sustained.

"It is the duty of the Government to prove the guilt of the defendants beyond a reasonable doubt; that is, as to every element necessary to constitute the crime. A reasonable doubt is exactly what its name implies—not some mere whim or preconceived prejudice, but a fair doubt on the evidence, a doubt for which you can give a reason satisfactory to your conscience.

"Now, in this trial, with the large amount of testimony that has been presented before you, the evidence oral and documentary, it may be that you have not a clear apprehension of the crime that is charged here. The defendants are not charged with the substantive crime of shipping in interstate commerce from State to State an adulterated article under the name of fluid extract of ginger or under some other name. They are not charged with any result that would follow from the use of the article that was shipped. Let us get that clear. All they are charged with is, with having confederated, agreed, and conspired together to ship from one State to another an article which had a place in the United States Pharmacopoeia, and the article to be so shipped to be adulterated and sold, and that by the test, whether it be the manufacturing test or whatever other test was prescribed in the American Pharmacopoeia, the article to be shipped would not be that article as it was described in the American Pharmacopoeia. Now, you get that straight, gentlemen, because that is what we are dealing with. The crime charged is the crime of conspiracy.

"The elements of a criminal conspiracy are these:

"1. An object to be accomplished, which, insofar as this case is concerned, must be the commission of an offense against the United States.

"2. A plan or scheme embodying the means to accomplish the object.

"3. An agreement or understanding between two or more persons, the defendants and some person who is not to the grand jury known and mentioned but whom you could determine was a part of the conspiracy, whereby they become definitely committed to co-operate for the accomplishment of the object by the means embodied in the agreement, or by any effectual means, and,

"4. An overt act committed by one or more of the conspirators to effect the object of the conspiracy. The gist of the offense is conspiracy, a combination or agreement to effect an unlawful end, which offense is completed only on some one or more of the parties doing an act to effect the object of the conspiracy, termed an overt act.

"That brings me to what I called your attention to in reading the indictment, the overt act. If the conspiracy be proven, that is, if the proof satisfies you that these defendants, or any two of them, or any one of them with someone not named, entered into a conspiracy to do the act charged in the body of the indictment, there would still be no crime of which cognizance could be taken, unless one or more of those that you find to have been part of that conspiracy did one of the overt acts that are alleged in the indictment. In other words, a mere agreement among men to violate the law is not of itself sufficient, unless at least one of them shall commit an overt act, an overt act in furtherance of that conspiracy. Now, that act of itself, standing alone, need not be criminal; but if it is an act, the purpose of which would tend to the carrying out of the agreement to do the unlawful act, then that would be sufficient to vitalize the conspiracy, and then it would be a crime.

"A conspiracy is a combination of two or more persons, by concerted action, to do an unlawful thing, or to do a lawful thing in an unlawful manner, and no formal agreement is necessary, a tacit understanding being sufficient; and it is not essential that each conspirator have knowledge of the details, the means to be used, or that the agreement be formal: that means just this, that they do not have to sit around a table and adopt resolutions in order to constitute a conspiracy. As a matter of fact, all do not have to agree at the same time. One may be the moving party, and he may bring in the others at different times, but there must be a common purpose; there must be a common understanding and agreement amongst them to do the particular

thing, which the law says shall not be done, and which is charged in the indictment. It is not necessary that the conspiracy should originate with the persons charged. A conspiracy may originate with others, but if carried on and continued by the persons charged, and an overt act were done, then they would be a part and parcel, and it would be their conspiracy.

"It is no bar to the existence of a conspiracy that it is to be executed entirely by one conspirator. That means this, that if there be a common purpose, an agreement, an understanding, a meeting of the minds, that the thing is to be done, each and every one of them does not have to participate in the doing of the particular overt acts that are charged; it would be sufficient if it be done by one, and, as in a case like this, where the charge is that under different names the overt acts were performed, that under different names the conspiracy was to be carried out, it is not necessary that each one of those who constitute a part of the conspiracy should be concerned with the operation under that particular name. As a matter of fact, they might divide it between them, and one or more operate under one name, and one or more operate under another name, so long as the purpose was a common purpose, and these acts under these different names were in pursuance of that common purpose for the accomplishment of the conspiracy. A common design being the essence of the charge, it is sufficient if two or more persons in any manner, positively or tacitly, come to a mutual understanding to accomplish a common and unlawful design, and that must be the design charged in this indictment, and no other. That is what the charge is, and that is what they must have agreed to do. That is what they must have conspired, confederated, and agreed to do.

"It is not necessary that each conspirator have knowledge of all details of the conspiracy, or the means to be used. Intent is an essential element. An intent to take part in a conspiracy is always essential to the commission of the crime of conspiracy, but that does not mean that they must know that they are violating a statute of the United States; they must know that the act which they are designing to do is the act which is charged. Ignorance of the law would be no excuse.

"While the offense under this section consists alone in the conspiracy, yet that offense is not complete unless one or more of the conspirators did some act to effect the object of the conspiracy—as I told you before, an overt act. Overt acts are in reality something apart from the conspiracy itself. They are acts to effect the object of the conspiracy.

"The offense of conspiracy may be established by circumstantial evidence, but the circumstances must be of such a character as to exclude every reasonable hypothesis but that of the defendant's guilt of the offense charged. The offense charged here is conspiracy to unlawfully introduce, ship, and deliver for shipment from one State to another adulterated and misbranded food and drugs, fluid extract of ginger, sometimes called "liquid medicine in bulk", being the article which it is charged they conspired to ship. Now, of course, that must be between States. If they entered into a conspiracy to simply sell it within this State, that would not be any crime under our Federal law. The Federal law applies, of course, to a sale in the Territories, but when we come to the question of States it must be between States.

"We have four men. Did they conspire? If so, when? If they entered into this agreement before the time charged in the indictment, this conspiracy, and they continued with the conspiracy within the time stated in the indictment, that would be sufficient. There must have been a conspiracy between them within the time, and there must have been what is called an overt act.

"The mere doing of some act which would have aided in committing the substantive crime of shipping from one place to another, would not be sufficient, because they are not charged with a substantive crime. They must have been part and parcel of a conspiracy.

"Now, as I said before, you have four men. You have had testimony here as to the doings of certain of these men. You have had read here before you the letters which the handwriting expert says were written or signed by one of the men, James. Now, each of the acts of each of these men binds him, and not the others, unless there was a conspiracy, but if all of them had entered into a conspiracy to do the thing charged in this indictment, then any act on the part of any one of them in furtherance of that conspiracy, or any declarations of theirs, would then be binding upon all of them, and so, of course, before you attempt to determine whether or not some particular thing is binding upon one or all, you must first determine whether there was a conspiracy.

"Now, were all of these men interested in a concern? I am not going into the facts. You have heard them discussed before you. Were they all interested in a concern that preceded these things? Did they then have and enter into a common plan and purpose when continuance under that concern was impossible to do the thing charged? Did they as the instruments for the carrying out of the purposes of the conspiracy form these other agencies, Jordan Brothers, S. A. Hall, and Charles M. Pomeroy? Is that so? Or was the establishment of these agencies a perfectly innocent thing, designed to carry on in a legitimate way a business?

"In order to determine whether the acts of a person are done honestly and legitimately, of course, you have a right to consider the manner and the method in which the business is done, whether it is done in the open and in the light of day, in which men carry out a legitimate business, or whether there be concealment or other things which would lead you to conclude that there was an attempt to hide, and not an attempt to carry on in an open way.

"Now, you have had connected with Pomeroy by name one defendant. You have had connected with Jordan Brothers one defendant as the active man in the place, assuming that the evidence is true. It is for you to say whether it is or not. You have had connected with Jordan Brothers facts with reference to the furnishings and so forth going from the Fulton Chemical Company to the Jordan Brothers premises. You have had the facts with reference to the office in New York. You have had, with reference to Hall, the testimony with reference to the activity of one of these defendants with reference to mail and other things. You have had evidence with reference to another defendant to whom mail was to be sent, and to other activities on his part. You have had reference to one of the defendants, evidence as to visits to Cincinnati and Texas, and the talk there with the witnesses who were produced here. You have had all that, and I am not going over it. It is for you to say whether there was a conspiracy, who was in the conspiracy, if there was one, and if you find that there has been a conspiracy, then, was there committed at least one, and that is all that is required; more may be shown, of the overt acts that are stated in this indictment.

"It is not necessary, in order to prove the crime of conspiracy, to prove that the thing which it was conspired to do was fully accomplished by the sending of the adulterated article from one State to another. That would be an overt act, but there could be other overt acts showing the intent, the conspiracy to do the thing, and the act, the substantive crime in itself, would not of necessity have to be accomplished in order for the conspiracy to be established.

"The defendants were not bound to take the stand on their behalf. It is the duty of the Government to prove their guilt beyond a reasonable doubt. They have a right, a perfect right, to sit mute, and say to the Government, 'Prove your case', and no presumption can be drawn against them to their detriment, or of guilt, because they fail to take the stand. They are exercising a right which was granted to them under the Constitution.

"There has been some talk about one defendant, Lahn, being a bookkeeper, and a number of people have testified to the fact. The fact that he was a bookkeeper, if he joined in the conspiracy, would be no defense. No man has a right to violate the law at the request or the instance of his employer, but the fact that there is testimony that he was a bookkeeper, occupying that position, you should consider, of course, in determining whether or not he was part and parcel of the conspiracy, if there was one, and knew what was going on, and joined in the doing of it, or was occupying a position where he had no such knowledge, but was simply performing the work that a man ordinarily occupying that position does. If he knew what was going on, and if he loaned himself to the accomplishment of it, not in one case alone, but if he joined in the common purpose, and by tacit agreement loaned his services to the carrying out of the accomplishment, and the entering into of this conspiracy, then the mere fact that his title was bookkeeper, or his position was bookkeeper, would not be a defense.

"The defendant Hennes has been described here many times as a laborer, and I repeat, as I said about the defendant Lahn, that the mere fact that he occupied a position of laborer, if that be so, would be no defense, if he joined in the conspiracy, if he was a part and parcel of it, and knew what was going on, and tacitly loaned his services, not in the accomplishment of one offense that is described by the statute, but if he joined in the conspiracy for the purpose of accomplishing the object of that conspiracy. However, it is for

you to consider in arriving at your determination whether or not a man occupying that position was part and parcel of the conspiracy. Conspiracies do not have to be between bosses alone. A conspiracy may include people of the humblest positions providing they are part and parcel of the conspiracy.

"This is a matter of great importance, of course, to the defendants and to the Government. It should not be enlarged beyond its due proportions. Testimony was offered here, of course, by an expert which showed what the adulteration in some cases was. That, of course, had to be done because you gentlemen would have to know that there was no error in the determination of the expert, and that he could positively say that there was an adulteration of a certain character, but that is the purpose, and that is the object of it, and his testimony must be received for that purpose, but you must still keep in your minds that the crime here that we are dealing with, as charged in this indictment, is a conspiracy to ship from State to State this adulterated article, and not the results that might flow from the use of the article, or anything of the kind, nor the substantive crime of shipping the article in itself.

"Now, of course, you are to weigh the testimony of everybody who appeared on this stand. You are to determine whether you believe they are telling the truth. That is the only way you can arrive at a verdict. How did they impress you? Did they appear to be truthful? Did they appear to be giving their testimony in a free and fair manner? When you come to the testimony of the experts, did they satisfy you that their opinions were based upon good, sound reasons? Because it is for you to determine the weight and credence you will give to everybody's testimony, the experts' as well as anybody else's. Experts are called here to assist, and you, of course, must determine whether their opinions, because it is opinion testimony that the experts give, are based upon good, sound reasoning. That is why the experts are allowed to show you how and why they arrive at the opinions they express. Having weighed the testimony of each witness, and having allocated to each witness the credence that you think his testimony is entitled to; you then will arrive at a verdict based on the evidence and on the instructions of the court.

"Now, there has been offered here on behalf of these defendants testimony as to good character. Good character is an asset. Good character of itself sometimes is sufficient to raise a reasonable doubt, but good character evidence must be considered with all the other evidence. Each and all of the evidence must be considered together, including that of good character, in determining what effect that will have.

"Do not be misled, gentlemen. Do not be moved by any bias, or prejudice, or sympathy. That plays no part in the determination of a criminal charge. I may say now, gentlemen, with all due respect, that you have no concern whatever with the result of your verdict, except that it shall be a true verdict on the law and on the evidence.

"You are the sole judges of the facts. You need not try to seek or to learn whether I have any opinion on the facts or not. That in no wise controls you; but you are bound to take the law as I give it to you, whether you believe it is the law or not. The law that I announce to you for this case at this time is the law, and you are bound to accept it. Receive the law from me, apply it to the facts as you find them, and then render a true verdict.

"Now, in this case, like all cases of conspiracy, naturally we will find circumstantial evidence. This case is based, insofar as the charge of conspiracy itself is concerned, very largely on circumstantial evidence. Circumstantial evidence is good evidence, provided, as I told you before, taking all of the circumstantial evidence, there is one reasonable hypothesis, and that of guilt. If that be not so, then, gentlemen, all circumstantial evidence is no stronger than its weakest link, and if it does not point directly and solely to that hypothesis of guilt, then, of course, it would be not sufficient.

"This is an involved matter, perhaps. I think the summation of counsel has been helpful in presenting to you the facts and that is why I have not recited the facts. If I have made any reference to any facts at all it was simply for the purpose of making plain to you my instructions on the law, and if I may have referred to any one particular fact, it did not mean that I thought that that was more important than any of the others. On the contrary, they are all equally important to you, and I did not mean to exaggerate, nor did I mean to derogate from the importance of any of the testimony that has been presented here, by reason of the fact that I may have referred specifically to some part.

"Now, gentlemen, we have four defendants, and they are charged here with conspiracy. There could be no conviction of one for conspiracy, because one man could not conspire with himself. There must be at least two who enter into a common purpose, who confederate, agree, or conspire together. As I say, the indictment charges these defendants and other persons unknown. It may be that the evidence would show that there were other persons unknown, and if that be so, then an agreement, a confederation, a conspiracy between one of the defendants and others unknown, would be sufficient. But each of these men is charged here separately. You cannot just go out and say, 'Well, they are all together.' That is not so. Each man is entitled to your separate consideration of the question of his guilt or his innocence. You must determine from the evidence whether each one of these defendants, taken as an individual, entered into this conspiracy, and with whom, and if you shall find that any one of them entered into a conspiracy with persons not in the indictment, or that they entered into a conspiracy with one or more named in the indictment, having determined that, and who constitutes that conspiracy, then the acts of any of those that you find part and parcel of that conspiracy can be considered as against all of the other conspirators.

"It does not of necessity follow that each must have played the same part. It does not of necessity follow that each must have had the same important role. As a matter of fact, it does not follow that each and all of them must have performed any one of these overt acts. It would be sufficient if one did it. The crime is a conspiracy to do this particular thing, not the doing of it, and the allegations of the doing of it are simply the allegations of overt acts, which, as I have explained to you, vitalize and make the conspiracy itself, if there was an agreement.

"Now, take all the exhibits. I have given you an opportunity to consider this when you have time during the day, and I hope that you will give it your careful consideration, considering what I have instructed you is the crime charged, and that only, and do not go off in the realms of speculation as to things which are not charged in this indictment.

"Any exceptions or requests:

Mr. BASS. No requests on the part of the defendants, if your honor please.

The COURT. Counsel will agree that these exhibits that the jury have not taken, if they want them, they can have them taken to them; is that correct?

Mr. BASS. Yes.

Mr. KAMBER. Yes.

Mr. SAVARESE. Yes.

On December 30 the jury returned a verdict finding defendants Harry Lesser, Forrest E. James, and Philip M. Lahn, guilty, and defendant Henry J. Henners, not guilty. On January 4, 1933, the court sentenced both defendants Lesser and James to imprisonment for 1 year and 8 months in a Federal penitentiary or prison camp and a fine of \$2,500 each; and sentenced defendant Lahn to imprisonment for 1 year and 5 months in a Federal penitentiary or prison camp. Costs were not imposed.

On January 5, 1933, notice of appeal was given and bail was fixed at \$10,000, for each defendant. On June 14, 1933, the appeal came before the United States Circuit Court of Appeals for the Second Circuit on briefs and oral arguments, before Circuit Judges Manton L. Hand and August N. Hand, and on July 31, 1933, judgment of conviction was affirmed in the following opinion (August N. Hand, *Cir. J.*):

"Harry Lesser, Forrest E. James, Philip M. Lahn, Walter E. Anderson, and Henry Henners were indicted for conspiring to violate section 2 of the Federal Food and Drugs Act of June 30, 1906. The indictment against Anderson was dismissed, and the jury found Henners was not guilty. Lesser, James, and Lahn were convicted and have all appealed.

"The indictment alleged that the defendants conspired to 'introduce, ship, and deliver for shipment from one State to another State adulterated and misbranded foods and drugs' and to 'sell, transport, deliver and introduce, ship and deliver for shipment from one State to another State, a large quantity of

fluid extract of ginger * * * which was then and there adulterated in that it differed from the standard strength, quality, and purity of fluid extract of ginger as determined by the tests laid down in the United States Pharmacopoeia.' * * * The indictment also alleged that the defendants were doing business under the fictitious names of Jordan Brothers, S. A. Hall, and Charles M. Pomeroy and that the conspiracy continued from June 1, 1929 to February 1, 1932.

"Section 2 of the Food and Drugs Act makes any person guilty of a misdemeanor who shall ship or deliver for shipment from one State to another State 'any article of food or drugs which is adulterated or misbranded, within the meaning of section 1 to 15 * * *.' The term 'drug' is defined in the act as including all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use (section 7). In section 8, a drug is defined as adulterated if, when it 'is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation.' But it is provided that no drug shall be deemed to be adulterated 'if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.'

"We think that the Government introduced evidence at the trial which justified the jury in finding that there was such a conspiracy as the indictment alleged and that all three of the defendants-appellants participated in it.

"The defendant Lesser was interested in a flavoring and fruit extract business, having its headquarters at 601 Bergen Street, Brooklyn, New York, known as the Fulton Chemical Works. It manufactured and supplied fluid extract of ginger and various fruit extracts to customers in many parts of the United States, among others California Extract Company, Los Angeles, California, of which Jacob Rosenbloom, the half brother of Lesser, was the owner; K. & K. Drug Company, of Newport, Kentucky, owned by Sol Kauffman; Leo B. Dreyfoos, of Cincinnati, Ohio, and Prescott B. Burkett, who did business under the name of Valo Products Company, Kansas City, Lone Star Company, Dallas, Texas, and American Products Company, Kansas City. From the year 1925 on, Rosenbloom's concern purchased Jamaica ginger extract from the Fulton Chemical Works and in the latter part of 1930 and early part of 1931. Lesser went west to see his half brother in the latter part of 1929. Just before Rosenbloom ceased to do business in the early part of 1931 the sales were made to him in the names of Jordan Brothers and S. A. Hall. The evidence identified the latter with Fulton Chemical Works. Some of the ginger shipped in the name of Jordan Brothers was found upon a chemical examination to have been adulterated.

"Sol Kauffman conducted business under the name of K. & K. Drug Company. He began doing business with the Fulton Chemical Works of 601 Bergen Street about 1925 and 1926, and met James, Lesser, Lahn, and Henners at that place. He did business with the same concern in 1929 and early part of 1930, when he ceased doing business. Fluid extract of ginger was sent to him under invoices of Fulton Chemical Works, Decker Ingraham & Smith, J. Carboy, and S. A. Hall, and he made his checks payable to the order of the person or concern named in the invoice. The orders, however, were given to the Fulton Chemical Works. An invoice dated February 13, 1930, was in the name of S. A. Hall. Kauffman discussed with Lesser the business of fluid extracts and extract of ginger and the prices of goods he had ordered from the Fulton Chemical Works (fol. 1713) during the latter part of the year 1929 when Lesser was in Cincinnati on business. Kauffman said that Lesser was connected with Fulton Chemical Works in 1929 and early in 1930 (fol. 1926).

"Dreyfoos, of Cincinnati, testified that he purchased fluid extract of ginger from Lesser, James, and Lahn in 1927, 1928, 1929, and up to the latter part of February, 1930; that he would give orders to Lesser, James, or Lahn, and when he sent in written ones, would send them to 601 Bergen Street, Brooklyn, the office of the Fulton Chemical Works. Merchandise would be shipped in the names of this company and of S. A. Hall, and J. Carboy, and the check would

be made out to the person named in the invoice but the orders would be given to Fulton Chemical Works. Lesser and James were at the Gibson Hotel in Cincinnati in the early part of 1930.

"Preston D. Burkett testified that he had business relations with Lesser, James, and Lahn. He admitted making purchases from Lesser as the Fulton Chemical Works in 1924. He refused to disclose what they were on the ground that to answer might tend to incriminate him, but denied that he purchased extract of ginger from them in 1929 or 1930. On the same ground he refused to say whether he purchased it from S. A. Hall or Jordan Brothers in 1929 or 1930, and likewise refused to say whether he had any correspondence with James in 1929 or 1930. It was, however, shown by another witness named Darnell that he and Burkett, under the name of Valo Products, purchased adulterated ginger extract in 1930 and 1931 from Jordan Brothers and Pomeroy. There was evidence showing those persons were identified with Fulton Chemical Works.

"Various other witnesses testified to dealings with Lesser in connection with the Fulton Chemical Works but at dates prior to 1929.

"We think that the foregoing proof was sufficient to justify a jury in finding that Lesser continued in the business of the Fulton Chemical Works and of the individuals and concerns allied with it in the sale of fluid extract of ginger in interstate commerce. He offered no proof of severance from the association with the Fulton Chemical Works which had once existed and had continued for years. Though the earliest shipment of adulterated and misbranded fluid extract of ginger established was of the date of December 4th, 1930, and the latest connection of Lesser with the conspiracy specifically shown was in February, 1930, it may reasonably be inferred that his proved relation continued in the absence of any evidence to the contrary. The 'presumption of continuance' so-called justified the jury in believing that Lesser remained connected with Fulton Chemical Works throughout the period of the conspiracy during which the illegal shipments which were pleaded occurred. *Commonwealth v. Fregassa*, 278 Pa. 1; *Easterday v. United States*, 292 Fed. 664; *Peterson v. Mobile Steel Co.*, 202 Ala. 471; *Cooper v. Peabody v. Dedrick*, 22 Barb. 516.

"The so-called 'Jim' letters written by the defendant James to Preston D. Burkett not only show the connection of James with the conspiracy but greatly reinforce the case against Lesser. Exhibit 153, which is apparently dated January 15, 1931, says that Harry 'suggested that you destroy all your records as understand they want to try and subpoena them for the cases which are coming up.' In Exhibit 155, which is under date of March 24, 1931, is the statement: 'Harry did not see his party Sat. but he talked to him by phone and was told not to worry. Have not heard from the Coast since I wrote to you last. They were supposed to go on trial yesterday in some small town and surely hope they come out O.K. If only they can smooth that thing out there is still some hope that the business will come back somewhere near normal and if it does we will have to try our "darndest" to keep it clean'.

"It is to be noted that prior to March 24, 1931, there had been a shipment of fluid extract of ginger in the name of Jordan Brothers to the California Extract Company which was found by the analysis of the chemists to be poisonous.

"In Exhibit 157, under date of March 28th, 1931, we find the following: 'Haven't heard a word from California so we have been unable to even guess what happened Monday. * * * Certainly will be glad when that matter is adjusted and naturally hope that they go no further than fines, and that they do not put an embargo on future shipments. * * * Oh, well, why worry, they may have us down but so far we are not out and to use Harry's pet expression, "everything will be all right in the morning."'

"In Exhibit 161, under date of May 27, the writer says: 'Have been unable to make shipment of your two barrels because we have been out of merchandise and have been after Harry for 10 days to get some in, but he is so dizzy that I don't know what is going to happen. If I don't get something definite from him within a day or two I will go out myself and get some goods and see that your order is filled. He seems to think that the racket is about over and wants to close up shop and quit. * * *'

"On May 29, (Exhibit 162) James writes that: 'Harry and I haven't gotten together regarding the future but I did not want to hold you up any longer so went ahead and handled everything myself. He is coming in Monday and we will then decide definitely whether we continue or whether he drops out and I carry along alone for awhile.'

"In Exhibit 163, dated June 5, 1931, James writes: 'Had another long chat with Harry today at lunch and he thoroughly understands now that I am going ahead alone and try and get the four samples approved. * * * Hated like the devil to break away from Harry because he certainly has been a wonderful friend but he has other things on his mind and did not want to follow along on my proposition so I just must follow along by myself. * * *'

"In Exhibit 164, dated June 11, 1931, James writes about a mistake in the last shipment and says: 'Sorry about this but Harry had me going around in circles while he was trying to make up his mind what to do. When he finally decided to step out I rushed too fast and was depending on memory, hence the error.'

"To this exhibit is appended a financial statement dated June 11, 1931, showing a payment on August 1, 1930, to H. L. of \$1,153.80. 'Harry' and 'H. L.' were evidently the defendant Lesser. The foregoing letters show that the defendant Lesser was closely identified with James in the shipments to California and to the companies with which P. D. Burkett was connected and that this relation continued until June, 1931.

"It is perhaps unnecessary to refer to other evidence than the 'Jim' letters to show the participation of James in the conspiracy, but there was much other proof connecting him with the sales in interstate commerce of the Fulton Chemical Works and its adjuvants. Kauffman testified that he had had dealings with James as well as with Lesser and Lahn at the Fulton Chemical Works, that he did business with that concern in 1929 and 1930 and placed orders with it for fluid extract of ginger and received deliveries upon those orders, invoiced under the names of Fulton Chemical Works, S. A. Hall, Decker Ingraham & Smith, and J. Carboy. His conversations regarding the payment of the invoices were with James. James stayed with Lahn and Lesser at the Hotel Gibson in Cincinnati in 1929 and was there with Lesser in 1930. Dreyfoos likewise had conversations there with James and Lahn about fruit extracts and prices of merchandise. The insurance firm, of which James was a member, paid the rent of Jordan Brothers at No. 360 Furman Street, Brooklyn, whence shipments in the name of Jordan Brothers were made. A dealer in essential oils, named Bolz, took orders from James on October 25, 1930, and at times thereafter. In January, 1931, this dealer received an order from Jordan Brothers. When they tendered their check for the purchase price, Bolz refused to accept it without some assurance that it was good. He was thereupon referred by Jordan Brothers to James who telephoned that their check was all right. Proof connecting James with the conspiracy was ample.

"The evidence also established the participation of the defendant Lahn in the conspiracy. He was the bookkeeper of Fulton Chemical Works. He took orders for it from persons purchasing extracts, ordered letter-heads printed both for it and for S. A. Hall, Decker Ingraham & Smith, and J. Carboy, and also ordered supplies of essential oils including oleoresin of ginger. He directed the mail of S. A. Hall to be forwarded from No. 598 Atlantic Avenue to 186 Joralemon Street, care of James, and rented an office at 598 Atlantic Avenue under the fictitious name of Slade. A check used to pay the Schwartz Laboratories for an analysis on March 4, 1931, for James, of fluid extract of ginger, and found to contain phenols of a harmful nature, was charged to the account of Lahn.

"It is evident from the above that Lesser, James, and Lahn were all associated in the business of Fulton Chemical Works and its various instrumentalities and were all engaged in shipping fluid extract of ginger in interstate commerce.

"Various shipments of ginger fluid extract were made in interstate commerce in the names of Jordan Brothers, S. A. Hall, and Charles M. Pomeroy, which, upon analysis, were found to be adulterated and to differ from the 'standard of strength, quality, or purity' of fluid extract of ginger 'as determined by the test laid down in the United States Pharmacopoeia.' (Food and Drugs Act § 8.) It is argued for the appellants that no 'test' is laid down in the pharmacopoeia to determine the character of fluid extract of ginger and that consequently the act is not shown to have been violated. But the pharmacopoeia sets forth how a fluid extract of ginger is to be compounded and the statute penalizes any person guilty of adulterating or misbranding. (U.S. Pharmacopoeia 10th Revision 1926, pages 158, 159, and 175). To interpret the words 'test laid down' as referring to a *method* of detecting non-conformity with the standard of the pharmacopoeia is to give the words an unnecessarily

narrow meaning. They require conformity with the standard set up in the pharmacopoeia and make no attempt to prescribe a method of ascertaining whether such conformity exists. The chemist Eaton testified that he subjected the California shipments to chemical tests and found that they contained more oil and less ginger solids than a normal product of fluid extract of ginger. He also found that they contained an 'organic phosphorous compound of the type tricresyl phosphate', which is a poisonous ingredient, and were not the fluid extract of the United States Pharmacopoeia. He said that the way to ascertain whether fluid extract of ginger complies with the United States Pharmacopoeia is to make a ginger extract according to its teachings and then determine the various ingredients 'like the solids, and the ash, and the phosphorous compound * * * and the alcohol' and find out 'what they run on an average.'

"The testimony of the chemist Reznick was to the same effect. The testimony of the chemist Maurice I. Smith related to specimens taken from shipments to California Extract Company and to Burkett's companies. He said that the preparations purporting to be fluid extract of ginger contained a triorthocresyl phosphate, which was a poisonous ingredient. He tested the effect of the material upon chickens and the results of administering it was a partial paralysis, known to be caused by the presence of triorthocresyl phosphates. The basis for a finding by the jury that the shipments were adulterated and did not meet the standard of the United States Pharmacopoeia was ample.

"There can be no doubt that enough was proved to justify an inference of guilty knowledge. The shipments failed to conform to lawful standards and were made in many cases by persons or concerns from whom they were not directly ordered. Lahn directed the Post Office to forward to James the mail of S. A. Hall, in whose name some of the shipments were made, and Lahn himself used the fictitious name of Slade when he rented an office at 598 Atlantic Avenue for Hall. The 'Jim' letters show that James and Lesser were aware of the illegality of the enterprise, and that Lesser abandoned it about June 1931, after the shipments to California had come under investigation and danger was imminent. We think it evident that the business was conducted in a surreptitious way and are satisfied that there was proof of guilty knowledge on the part of the appellants.

"It is argued that the indictment should have been dismissed at the opening. It is said that the allegation that the defendants conspired to 'unlawfully introduce, ship, and deliver for shipment from one State to another State adulterated and misbranded foods and drugs' having been made in the conjunctive, a conspiracy to ship food as well as drugs had to be shown, and that the specification of fluid extract of ginger as the subject matter of the conspiracy makes it impossible to prove the broad allegation as to both food and drugs. But the allegation as to adulterated foods may be disregarded as surplusage where, as here, the indictment sufficiently states a crime conspiring to ship adulterated drugs.

"The contention that the indictment should have been dismissed for duplicity because it alleged generally a conspiracy to ship adulterated foods *and* drugs is trivial. As it specifies that the shipments to be made were of fluid extract of ginger there is in fact no duplicity. But in no event could the defendant be prejudiced by the inclusion of 'foods' in the allegation. It is said that in case of an acquittal under this indictment where the only proof related to shipments of fluid extract of ginger, which is a drug, the defendants might still be subject to a new indictment for conspiring to ship adulterated foods. But it is well established that in case of a second prosecution resort may be had to parol evidence to establish the crime of which a defendant has in fact been convicted and that the sufficiency of a plea in bar must be tested in that way. *Bartell v. United States*, 227 U.S. 433.

"It is also argued that error was committed by the trial court in allowing the Government's pharmacological expert Maurice I. Smith to testify about his experiments on chickens with the samples of the extracts shipped by the defendants and to show that the administration of the ingredients produced paralysis. Proof of the poisonous effect of the compounds shipped tended to fortify the chemical testimony that they were adulterated and contained tricresyl phosphate, which is known to produce a paralyzing effect. There is no reason to hold that the noncorrespondence of the extracts shipped with the standard of the pharmacopoeia must only be shown by chemical analyses. On

the contrary, it may be established in any other logical and convincing way. *Goodwin v. United States*, 2 Fed. (2nd) 200; *Columbus Const. Co. v. Crane Co.*, 98 Fed. 946, at p. 957."

Judgment affirmed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20555. Misbranding of Diano for Diabetes. U.S. v. 71 Bottles of Diano for Diabetes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29054. Sample no. 336-A.)

Examination of the drug preparation, Diano for Diabetes, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the bottle and carton labels and in a circular shipped with the article.

On October 14, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 71 bottles of the said Diano for Diabetes, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 27, 1932, by the Samaritine Co. from Philadelphia, Pa., to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium chloride (approximately 1 percent) a trace of chlorine, glycerin (approximately 16 percent), and water (approximately 83 percent).

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle and carton labels and in the circular, were false and fraudulent: (Bottle) "Diano For Diabetes A Scientific Preparation With Definite Known Quality Of Quickly Relieving Diabetics And Ultimately Eliminating All Traces of Diabetes * * * Directions Start with two teaspoonfuls in one-half glass of water four times daily. Third day reduce dosage to three times daily, either before or after mealtime. When sugar content of urine has been materially decreased (usually in about a month), continue taking Diano twice daily two teaspoonfuls morning and evening, until urine becomes normal. As a preventive take one dose Diano every night"; (carton) "Diano For Diabetes"; (circular) "Diano For Diabetes Marvelous Cures * * * 'Cured about one hundred cases' * * * 'was * * * analyzing the urine of the diabetes and Bright's Disease patients. * * * we cured about one hundred cases of Diabetes, losing only one during the three years. In Bright's Disease we cured about 40 per cent. * * * one case particularly where the urine was a dark brown color, too thick to filter and practically all albumen. In less than 14 days the man had resumed his work and the albumen was down to one percent.' Directions for the use of 'Diano for Diabetes' Start with 2 teaspoonful in one-half glass water, four times daily. Third day reduce dosage to three times daily, either before or after mealtime. When sugar content of urine has been materially decreased (usually in about a month) continue taking Diano twice daily two teaspoonfuls, morning and evening, until urine becomes normal. As a preventive, take one dose Diano every night. * * * Free Chlorine, * * * scientifically blended with other drugs remedial in their action upon the digestive organs, aiding in the proper assimilation of the carbohydrates ingested. By the use of Diano for Diabetes a marked reduction in the amount of the urine sugar appears at once and a steady diminution is noted every week. The patient also is able to retain his water for longer periods and in a few weeks will not have to rise during the night. In the earlier stages of Bright's Disease (Acute Nephritis), the Chlorine will entirely eliminate the albumen and will restore the patient to health very speedily. In chronic cases, it reduces the inflammation and arrests the disease, but it will not restore a wasted kidney. Diano effects immediate relief from Diabetes and eventually eliminates it entirely from the system. Its use quickly shows a marked reduction in Diabetes. Its action is such that carbohydrates again take their normal course of nourishment, thus allowing the sufferer eventually to become free from dietetics. * * * When taken according to directions, a marked improvement is positively assured by the first week's treatment * * * For Diabetes A Scientific Preparation with definite known quality Of Quickly Relieving Diabetics and ultimately Eliminating all traces of Diabetes."

On March 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20556. Misbranding of Vapex. U. S. v. 15 Dozen Bottles, et al., of Vapex. Default decrees of condemnation and destruction. (F. & D. nos. 29594, 29595. Sample nos. 21072-A, 21120-A, 32934-A.)

These cases involved various shipments of Vapex, a drug preparation. In one of the lots the label bore no declaration of the alcohol content, and in remaining lots the declaration was not properly made. Tests of the article showed that it did not possess the bactericidal properties claimed in the labeling. It also was claimed for the article that it was made in England, whereas a part of the manufacturing process was carried on in this country.

On December 6, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 15 dozen bottles of Vapex at Pittsburgh, Pa. On December 7, 1932, the United States attorney for the District of Delaware filed a libel against 41 dozen bottles of the product at Wilmington, Del. The libels charged that the article had been shipped in interstate commerce, in various lots, between the dates of October 8, 1932 and November 23, 1932, by E. Fougere & Co., Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, such as menthol and lavender oil, alcohol (approximately 65 percent by volume), and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the packages, "Vapex is produced in England by Thos Kerfoot & Co., Ltd." and "Laboratory tests have proved that the Vapex vapor kills the pathogenic bacteria present in the breathing passages", were false and misleading. Misbranding was alleged for the further reason that the labels failed to bear a statement of the quantity or proportion of alcohol contained in the article, since in one lot the alcohol was not declared, and in the other lots the declaration appeared in an inconspicuous place on the bottle label, and no declaration appeared upon the outside of the packages.

On January 6 and January 11, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the courts that the product be destroyed by the United States marshals.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20557. Misbranding of LaSalle's Life Salt, LaSalle's Diutone tablets, LaSalle's Uter-Tol tonic, and LaSalle's compound cough syrup; adulteration and misbranding of LaSalle's antiseptic powder. U. S. v. Harry Lehrer (La Salle Medicine Co.). Plea of guilty to all counts. Fine, \$200 on first count. Sentence suspended on remaining counts. (F. & D. no. 28210. I.S. nos. 21395 to 21399, incl.)

This case was based on an interstate shipment of various proprietary medicines. Examination showed that the articles contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings of the products. Tests of LaSalle's antiseptic powder showed that it was not a safe and effective antiseptic as represented.

On February 2, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Harry Lehrer, trading as the LaSalle Medicine Co., Los Angeles, Calif., charging violation of the Food and Drugs Act as amended. It was alleged in the information that the defendant had shipped, on or about September 15, 1931, under the name of the Brunswick Drug Co., from the State of California into the State of Arizona, quantities of LaSalle's Life Salt, LaSalle's Diutone tablets, LaSalle's Uter-Tol tonic, and LaSalle's compound cough syrup that were misbranded, and a quantity of LaSalle's antiseptic powder that was adulterated and misbranded.

Analyses of samples of the products by this Department showed that Life Salt consisted essentially of compounds of sodium and potassium, tartrates, carbonates, phenolphthalein, citric acid, and sugar; Diutone tablets contained extracts of plant drugs, including buchu and juniper, and potassium nitrate;

Uter-Tol tonic tablets contained plant material, including tannin, resins, valeric acid, and volatile oils; the antiseptic powder consisted essentially of zinc sulphate (13.8 percent), boric acid (85 percent), salicylic acid (0.6 percent), and volatile oils including thymol. Bacteriological examination of the antiseptic powder showed that the article was not antiseptic when used according to the directions stated upon the label. Analysis of a sample of the compound cough syrup showed that the article consisted essentially of extracts of plant drugs (sugars 71 percent), alcohol (5.5 percent by volume), and water.

It was alleged in the information that LaSalle's Life Salt was misbranded in that certain statements, designs, and devices, borne on the carton and bottle labels, falsely and fraudulently represented that it was effective as a life salt and as a stomach, liver, and intestinal cleanser and purifier; effective as of great merit in the treatment of all forms of stomach, liver, and intestinal disorders; effective to cleanse and purify the system; effective as a treatment, remedy, and cure for indigestion and dyspepsia; effective as a relief for indigestion, dizziness, nausea, biliousness, headaches, and all disorders of the stomach, liver, and intestines; that the circular shipped with the article falsely and fraudulently represented that it was effective to completely wash out the digestive tract, to remove all mucous and clinging matter from the walls of the stomach and intestines, and to permit the free absorption of nourishment by the blood; that a booklet shipped with the article falsely and fraudulently represented that it was effective as a relief for coated tongue, white tongue, aches and burnings of the stomach, vomiting, biliousness, and indigestion; effective to cleanse, purify, and strengthen the stomach, liver, and intestines; effective to completely wash out the intestines and stomach; effective as a treatment for bad stomach and as a relief for any disorder of the stomach; and effective as a relief for a disordered stomach and liver, headache, stomach ache, and pains in the head.

Misbranding of LaSalle's Diutone tablets was alleged for the reason that certain statements, designs, and devices appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a tonic for the kidneys and bladder, effective to relieve all disorders that are due to weak, run-down, or improper functioning of the kidneys and bladder; and effective as of great merit in the treatment of all disorders of the kidneys and bladder, such as pain in the back and hips, burning, scanty, or too abundant urine and rheumatism; and that a booklet shipped with the article falsely and fraudulently represented that it was effective as a treatment for lowered vitality; effective as a tonic to the kidneys and bladder; effective as a relief and treatment for scanty urine, sediment, mucous substances, blood in the urine and painful urination; effective to tone up the kidneys and bladder and to put these organs in their normal healthy condition; effective as a treatment for diseases of the urinary tract, the kidneys, and bladder, catarrh of the bladder, pain or burning sensation in the bladder or while urinating, and frequent desire to urinate; effective to completely flush the kidneys and bladder, eliminate all the poisons and tone these organs up so that they will function normally; effective as a treatment for inflammation of the bladder, and inflammation of the urethra; effective as a treatment for gravel in kidneys and pain in the back of the region of the kidneys; effective to prevent the formation of stones in the kidneys; effective as a treatment for inflammation of the kidneys, foul smelling urine with blood or sediment, puffy appearance of skin under the eyes, swollen joints of fingers, swollen legs, Bright's Disease or degeneration or rotting away of the kidneys; effective as a cure for kidney disease in its first stages; effective as a treatment for dropsy, impoverished and impure state of the blood due to diseased kidneys, bloated and puffy condition of the skin, distended abdomen, and swelling in some part of the body; effective to restore the kidneys to a healthy state; effective as a treatment for any derangement of the urinary tract, headache, dizziness, vertigo, nervousness, sediment in the urine, and blood or solid substances in the urine; effective as the ideal remedy for any ailment of the kidneys or bladder and as a tonic to the cells of the kidneys; effective to remove pus and accumulations formed in the kidneys; effective as a prompt relief in disorders of the kidneys or bladder; effective as a remedy for severe pains in the back and hips, rheumatism in the joints and achy bones; effective, when used in connection with LaSalle's Life Salt, as a remedy and cure for scalding and burning urine, frequent night rising; effective as a remedy and cure for swollen ankles, swollen eyes, excruciating pains in

the small of the back and aching back; and effective as a tonic stimulant for congestion or inflammation of the kidneys caused by overeating, overworking, or sexual excesses.

Misbranding of LaSalle's Uter-Tol tonic was alleged for the reason that certain statements, designs, and devices appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a tonic to the female generative organs; and effective to relieve all the nonsurgical ailments that are peculiar to women; and effective to relieve all the nonsurgical illnesses that are peculiar to women, such as painful, irregular, or suppressed menses, scanty or abundant menstruation, inflammation of the uterus or ovaries, colic, dizziness and pain in the abdomen; and effective as a valuable medicine in the critical periods of women's life and as a preventive of all pain and discomfort of the monthly period.

Misbranding of LaSalle's compound cough syrup was alleged for the reason that certain statements, designs, and devices, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as of great value in the treatment of all forms of coughs, hoarseness, asthma, bronchitis, whooping cough, croup, and all affections and inflammations of the throat, lungs, and bronchial tubes; effective to relieve the most obstinate cough by removing the cause; effective as a treatment, remedy, and cure for whooping cough and croup in children; and effective as a remedy for all forms of coughs.

Adulteration of LaSalle's antiseptic powder was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be antiseptic, when used as directed, whereas it was not. Misbranding of LaSalle's antiseptic powder was alleged for the reason that the statements, "A combination of the safest and most effective antiseptics" and "a local antiseptic", borne on the package, were false and misleading, since the article was not a combination of the safest and most effective antiseptics and was not a local antiseptic when used as directed. Misbranding of LaSalle's antiseptic powder was alleged for the further reason that certain statements, designs, and devices appearing on the labels of the packages falsely and fraudulently represented that it was effective as a treatment for leucorrhea (whites) and inflammations or ulcerations of the vagina; and effective to allay inflammatory and catarrhal conditions of the vaginal mucous membrane and as a treatent for female disorders.

On February 20, 1933, the defendant entered a plea of guilty to each of the seven counts of the information, and the court imposed a fine of \$200 on count 1, and suspended sentence on the remaining counts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20558. Misbranding and alleged adulteration of Tablets Flu-Enza. U.S. v. 425 Tablets Flu-Enza. Adulteration charge dismissed. Misbranding charge confessed. Decree of condemnation and forfeiture. Product released to be relabeled. (F. & D. no. 24499. I.S. no. 011586. S. no. 2737.)

Examination of the drug preparation Tablets Flu-Enza disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label. The sample of the article analyzed contained less than 3.15 grains of phenacetin, the amount declared on the label.

On February 3, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 425 Tablets Flu-Enza at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about November 15, 1929, by the Direct Sales Co., Inc., from Buffalo, N. Y., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. In the libel as originally filed it was alleged that the bottle label bore the statement, "Phenacetin 3.5 grains." The libel was subsequently corrected to read "Phenacetin 3.15 Grains, etc."

Analysis of a sample of the article by this Department showed that it contained 2.79 grains acetphenetidin and 2.8 grains salol per tablet, and a small proportion of mercuric iodide.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, (bottle label) "Phenacetin 3.15 grains to each tablet", and fell below such professed standard.

It was further alleged that the article was misbranded in that the statement, "Phenacetin 3.15 grains to each tablet," was false and misleading, and in that the label failed to bear a statement of the quantity or proportion of acetphenetidin (phenacetin) a derivative of acetanilid, contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For Grippe. Influenza, Pneumonia, and other forms of Pulmonary Inflammation and congestion."

On February 15, 1930, the Direct Sales Co., Inc., Buffalo, N.Y., filed an answer to the libel denying the adulteration and misbranding charges. On March 29, 1933, the charges in the libel based on the alleged shortage in phenacetin were dismissed. On the same date the misbranding charge based on the curative and therapeutic claims having been admitted by the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20559. Misbranding of aspirin tablets. U.S. v. 19 Cartons of Aspirin Tablets. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29121. Sample no. 20708-A.)

Examination of the shipment of aspirin tablets involved in this case showed that the labeling bore curative and therapeutic claims that were false and fraudulent.

On October 25, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cartons of aspirin tablets, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, by the American Pharmaceutical Co., Inc., from New York, N.Y., to Jersey City, N.J., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained approximately 5 grains each of acetylsalicylic acid (aspirin).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Display carton) "For Toothache * * * Antiseptic Gargle * * * for Rheumatism, Sciatica, Lumbago, Pain"; (leaflet) "For the alleviation of pain * * * Directions Rheumatism, Lumbago, Sore Joints and Muscles— * * * Acute Pain from Sciatica, Toothache."

On March 24, 1933, the American Pharmaceutical Co., Inc., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the leaflet bearing objectionable therapeutic claims be removed from the packages and that the product be repacked in new display cartons approved by this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20560. Adulteration and misbranding of cactus butter. U.S. v. Thirty 1-Pound Cans of Cactus Butter. Default decree of condemnation and destruction. (F. & D. no. 28980. Sample no. 17204-A.)

This action involved a product represented to be cactus butter and which was found to consist essentially of peanut butter with added oil and a trace of plant extractive material. Examination disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 14, 1932, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty 1-pound cans of cactus butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about May 25, 1932, by the Health Food Distributors, from New York, N.Y., to Phoenix, Ariz., and charging adulteration and misbranding in violation of the Food and

Drugs Act as amended. The article was labeled in part: "Cactus Butter * * * compounded and packed exclusively by Universal Cactus Food Products Phoenix, Arizona, * * * sole American distributor Phoenix Chemical Laboratories, manufacturing chemists * * * Phoenix, Arizona."

Analysis of a sample of the article by this Department showed that it consisted essentially of peanut butter with added oil and a trace of plant extractive material.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, cactus butter.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, cactus butter. Misbranding was alleged for the further reason that the following statements appearing on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Cactus Butter is rich in sodium, iron, magnesium, potassium and all the mineral elements which are the building stones of the body. It stimulates, cleanses, revitalizes and restores normal functioning to the glandular system. * * * It has a great affinity for atmospheric oxygen, thereby purifying the blood-stream, improving the circulation and removing pathogenetic waste. This results, among other things, in removing skin blemishes and improving the complexion. It has very pronounced solvent qualities and prevents calcareous accumulations in the joints, muscles and tissues. It changes the intestinal flora, thereby normalizing the chyme. It restores normal functioning of the heart, kidneys, bowels and all vital organs. It feeds the nerves and removes the cause and effects of paralysis, nervous prostration, neuralgia, neuritis, worry and fear."

On November 7, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20561. Misbranding of Rider's household liniment. U.S. v. G. Haggard Rider. Plea of nolo contendere. Judgment of guilty. Fine, \$20. (F. & D. no. 27485. I.S. nos. 829, 19751.)

Examination of the drug preparation on which this case was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels, and in a circular shipped with the article.

On August 17, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against G. Haggard Rider, San Diego, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 7 and March 3, 1931, from the State of California into the State of Texas, of quantities of Rider's household liniment that was misbranded. The article was labeled in part: (Bottle) "Rider's Household Liniment * * * G. Haggard Rider Manufacturer San Diego, Calif."

Analysis of a sample of the article by this Department showed that it consisted essentially of mineral oil such as kerosene, a small proportion of sassafras oil, and a trace of a pungent principle, such as capsicum, colored yellow.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle and carton labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a remedy for muscular rheumatism, bronchial cough, spasmodic croup, acute pleurisy, lumbago, sciatica, all pains, and sick stomach.

On January 24, 1933, the defendant entered a plea of nolo contendere to the information. On January 25, 1933, a hearing was held on the plea, and the defendant was found guilty and fined \$10 on each of the two counts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20562. Adulteration and misbranding of Acme medicated stock salt. U.S. v. 385 Pounds of Acme Medicated Stock Salt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29299. Sample no. 6431-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also

was claimed for the article that it contained yeast, that its use would improve the condition of animals, aid them in gaining weight and fat, and enable cows to produce more milk. Analysis showed that it contained no yeast and did not possess the properties claimed.

On November 28, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 385 pounds of Acme medicated stock salt, alleging that the article had been shipped in interstate commerce on or about August 25, 1932, by the Acme Stock Salt Co., from Fostoria, Ohio, to Stewartsville, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Sack, circular, and booklet) "Yeastolized"; (sack) "Yeast."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride (77 percent), magnesium sulphate (7 percent), calcium carbonate (7 percent), small proportions of iron sulphate, sulphur, sodium bicarbonate, fenugreek seed, quassia, and nux vomica, and a trace of an iodide. It contained no yeast.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard under which it was sold, viz: (Sack, circular, and booklet) "Yeastolized"; (sack) "Yeast."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Sack) "Yeastolized. * * * Yeast"; (circular) "Yeastolized * * * Cattle Acme Stock Salt tends to promote proper food assimilation, increases weight, and keeps up the vigor of steers. It insures proper functioning of the milk producing organs of the dairy cow and largely increases the flow of milk as the size of the cream check. * * * Your hogs will put on more fat with less feed and be ready for market in a much shorter time"; (booklet) "Yeastolized."

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Circular) "Healthy Live Stock Pays You Larger Profits! * * * Horses Acme Stock Salt helps to remove the nervous tendencies of horses and promote much greater strength and resistance. Acme Salt balances the feed and makes bone and muscle, assuring sleek, healthy work animals. Especially beneficial during the rush season. * * * Costs but One-Half Cent per day per head to feed your Horses and Cattle and keep them in prime condition. One-Quarter Cent per day per head will do the same for your Hogs and Sheep, and lesser amounts for younger animals. At this very small cost no farmer or feeder can afford to take a chance. The added profits gained from increased production and the joy and satisfaction in having healthy live stock is worth far more to you than your initial investment. * * *

* * * Wise farmers realize the importance of preventing disease rather than curing sick animals. Use Acme and watch results. You Cannot Afford To Go A Single Day Without This Protection For Your Live Stock. Sheep. The regular addition of Acme Stock Salt to the feed of sheep and lambs protects their health and reduces stomach and bowel trouble to a minimum. Helps to properly balance their feed and insures proper functioning of the intestinal organs. Especially valuable in removing worms and at lambing time. Hogs Acme Stock Salt is prepared to * * * Keeps your hogs healthy and free from worms, tones up the whole system, and increases the rapidity of growth. * * * Acme Stock Salt * * * Its purpose is to keep farm animals in the best of health under all conditions and at all times"; ("Statement of Purchase") "I hereby agree to use Acme Stock Salt consistent with directions in order that I may obtain the benefits of the Guarantee of Free Veterinary Service in the treatment of any animal contracting disease after being fed one month or more and while continuously feeding the said Stock Salt"; (booklet) "Cholera is a condition that gets into a herd when they are unhealthy, full of worms, and run down. If an animal is healthy and well kept as a rule it will not be bothered with cholera. Our product is designed to prevent any disease from getting started, including cholera, * * * No matter what the disease is that starts to infect the herd the farmer should not complain, because if it does get a start in the herd after the product has been properly fed for a period of 30 days, then the veterinary can be called without expense to the farmer. Another question is that of worms. The continuous use of Sulphur, Quassia, Fenugreek Seed and Nux Vomica, make a mighty unpleasant condition in the

stomach and intestines for any parasites, worms or other similar foreign animal life that might get a start in the intestines. Then the continuous purgative and physic that is included in our product will bring about a tendency to cast off these internal pests, but in order to get the results it must be continuous.

* * * There are times when nothing will clean an animal and especially hogs of worms. Worms get started from something that an animal eats. It picks up the larvae or eggs in the feed lot, pasture and troughs and these eggs are hatched out inside the animal and that's what makes the worms. Now if the animal's stomach and intestinal tract is kept clean and active through our Stock Conditioner you can see that the possibility of the worms getting started is lessened. It is very important, however, that you do not lose the sales to anyone if they claim that they have a herd that the worms will not leave

* * * to say nothing of the increased market value for healthy animals. * * * Potassium Iodide is used in the treatment of lumpy jaw and azoturia. Iodine is used in the treatment of glandular tumors, cervical and ovarian cysts and in many skin diseases and glandular troubles. * * *

It aids digestion * * * The fact that it aids digestion makes it valuable, for development of the animal is determined by what it digests, * * * increases the secretion of the intestinal glands. It is good for chronic stiffness and many skin diseases. * * *

Sulphur gets into the intestinal tract * * * and to some extent is excreted through the skin. Thus getting at some skin troubles from within. Quassia is in our product to keep the animal's bowels well regulated. * * *

stomach tonic. * * * aiding digestion. This naturally promotes the building up of the animal from its natural food. * * * Quassia is employed in cases of dyspepsia where there is vomiting or regurgitation of food and indigestion generally. * * *

It has antiseptic value * * * helps prevent digestive disturbances. * * * a good stomach tonic. * * * increases bone formation. * * *

stomach is toned up, the appetite is increased and the stomach and intestines are stepped up generally and the animal will eat the food that it wants. The animal must eat plenty of natural foods and Foenugreek Seed is one of the ingredients in our product that forces the animals to do that very thing. * * *

This formula certainly can not be surpassed as one that will help keep animals in a strong and healthy condition so that they will not likely contract diseases. * * *

Very often you will be asked about a particular disease and whether or not our formula is a cure for that disease. Your answer to that should be—that this is a well balanced tonic or conditioner and that it will do away with most ailments, * * *

You can urge strongly that this Stock Salt has a strong tendency to keep animals permanently in a healthy condition. * * *

to keep them in a healthy growing condition."

On January 30, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20563. Adulteration and misbranding of fluidextract of ginger. U.S. v. John A. Brinkley (B. & L. Distributing Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28176. I.S. nos. 027328, 027330, 027331, 027332.)

This case was based on three shipments of a bottled product, represented to be fluidextract of ginger of pharmacopoeial standard, that contained materially less of the soluble constituents of ginger than prescribed by the United States Pharmacopoeia, and one barrel of a product sold as liquid medicine, the label of which failed to declare the alcohol content. In one of the three lots of the bottled product the alcohol content was below the minimum prescribed by the pharmacopoeia, and also below the minimum declared on the label; in one lot the alcohol content exceeded the maximum prescribed by the pharmacopoeia.

On January 6, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John A. Brinkley, trading as the B. & L. Distributing Co., Cincinnati, Ohio, charging violation of the Food and Drugs Act. It was alleged in the information that the defendant had shipped, on or about March 22, 1930, from the State of Ohio into the State of Massachusetts, one barrel of "Liquid Medicine" that was misbranded, and had shipped on or about April 4 and April 10, 1930, from the State of Ohio into the State of Massachusetts, three lots of fluid-

extract of ginger that was adulterated and misbranded. The product in the barrel was labeled, "From Baird & Liebel Dist. Co., * * * Cincinnati, Ohio, Liquid Medicine in bulk * * * To Hub Products Co., Boston, Mass." The bottled product was labeled in part: "Fluid Extract of Ginger U.S.P. * * * B. & L. Distributing Co., Cincinnati, O." A portion was further labeled, "Alcohol 80 to 85% by volume."

Adulteration of the bottled product was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it did not yield from 1,000 grams the amount of soluble material yielded by 1,000 grams of powdered ginger, as prescribed by the said pharmacopoeia, and one lot contained more than 83 percent of alcohol, the maximum prescribed by the pharmacopoeia, and one lot contained less than 78 percent, the minimum so prescribed; and the standard of strength, quality, and purity of the article was not declared on the label.

Misbranding of the bottled product was alleged for the reason that the statement, "Fluid Extract of Ginger U.S.P.", on the labels of all lots, and the statement, "Alcohol 80 to 85% by volume" on the label of one of the lots, were false and misleading, since the article did not conform to the standard laid down in the pharmacopoeia, and the said lot contained less than 80 percent by volume of alcohol. Misbranding of the product labeled "Liquid Medicine" and the lot of the bottled fluidextract of ginger which contained less alcohol than declared, was alleged for the reason that the article contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On January 12, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20564. Misbranding of Dr. Salsbury's Worm Caps. U.S. v. 1,800 and 2,600 Dr. Salsbury's Worm Caps. Default decrees of condemnation and destruction. (F. & D. nos. 28880, 28928. Sample nos. 2926-A, 3011-A.)

Examination of the drug preparation Dr. Salsbury's Worm Caps showed that the article contained no ingredient or combination of ingredients capable of producing curative and therapeutic effects claimed in the labeling.

On September 22, 1932, the United States attorney for the District of South Dakota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4,400 Dr. Salsbury's Worm Caps, in part at Viborg, S.Dak., and in part at Huron, S.Dak., alleging that the article had been shipped in interstate commerce on or about June 23 and August 29, 1932, by Dr. Salsbury's Laboratories, from Charles City, Iowa, and had been transported from the State of Iowa into the State of South Dakota, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of tablets containing resinous plant material, such as kamala, nicotine sulphate, nux vomica, small proportions of copper sulphate, sodium phenol-sulphonate, calcium phenolsulphonate, and zinc phenolsulphonate, and acid-insoluble mineral matter, such as clay.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling falsely and fraudulently represented that it contained ingredients or medicinal agents effective in the diseases and conditions named therein: (Package) "Worm Caps * * * will expel or is destructive against tape worms * * * and to a certain extent pin worms"; (circular) "Worm Caps * * * Individual treatment for tape, round and pin worms in chickens, turkeys, ducks, and other fowls. * * * After Worming Your Flock with Dr. Salsbury's Worm Caps It costs only a little to prevent the birds from getting worms again."

On February 16, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20565 Adulteration and misbranding of "SM" antiseptic powder, and misbranding of Neofem, "SM's" vaginal suppositories, Neofem capsules, and Dr. R. H. Simmons' silver and mercury. U.S. v. 21 Large and 21 Small Packages of Dr. R. H. Simmons "SM" Antiseptic Powder, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29185 to 29189, incl. Sample nos. 342-A to 346-A, incl.)

Examination of the drug preparations involved in these cases disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The SM antiseptic powder, and SM's vaginal suppositories were represented to have antiseptic properties, whereas they were not antiseptics when used as directed.

On November 5, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 21 large and 21 small packages of Dr. R. H. Simmons "Sm" antiseptic powder, 22 packages of Neofem, 21 packages of "Sm's" vaginal suppositories, 22 packages of Neofem capsules, and 13 packages of Dr. R. H. Simmons' silver and mercury. It was alleged in the libels that the articles had been shipped in interstate commerce on or about August 20, 1932, by S. M. Laboratories, Inc., from Seattle, Wash., that they remained in the original unbroken packages at San Francisco, Calif., that they were misbranded in violation of the Food and Drugs Act as amended, and that the "Sm" antiseptic powder was also adulterated.

Analyses of samples of these products by this Department showed that the "SM" antiseptic powder consisted essentially of boric acid and zinc sulphate, small proportions of salicylic acid and menthol, and a trace of berberine; that the Neofem consisted essentially of alcohol, glycerin, phenolphthalein, volatile oils, including apiol and savin oil, and water, flavored with licorice and colored with chlorophyll; that the "SM" vaginal suppositories consisted essentially of cocoa butter, containing small proportions of quinine sulphate and boric acid; that the Neofem capsules consisted essentially of extracts of plant drugs, including a laxative drug, and small proportions of apiol and savin oil, colored with chlorophyll; and that Dr. R. H. Simmons' silver and mercury consisted essentially of water containing colloidal silver and mercury stabilized by a protein. Bacteriological examinations showed that the "SM" vaginal suppositories were not antiseptic; and that the "SM" antiseptic powder was not antiseptic in the dilutions recommended for use.

Adulteration of the "SM" antiseptic powder was alleged for the reason that the strength and purity of the article fell below the professed standard or quality under which it was sold, namely: "Antiseptic Powder * * * dissolve 2 teaspoonfuls of 'SM' Antiseptic Powder in $\frac{1}{2}$ pint of warm water * * * dissolve a heaping teaspoonful of 'SM' Antiseptic Powder in a pint of warm water."

Misbranding of the "SM" antiseptic powder was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "'SM' Antiseptic Powder has high germicidal value. It is an ideal antiseptic for personal hygiene and general home needs. To make an effective Antiseptic Solution, dissolve 2 teaspoonfuls of 'SM' Antiseptic Powder in $\frac{1}{2}$ pint of warm water. Heat to dissolve completely. Always have such a solution ready for uses as indicated below and for other purposes where a good Antiseptic Solution is wanted. As a Mouth Wash: Rinse the mouth thoroughly with the Antiseptic Solution. As a Gargle: Use the Antiseptic Solution. For Nasal Application: Use Antiseptic Solution. By means of an inhaler or atomizer, spray carefully every two or three hours. * * * 'Sm' Antiseptic Powder is the recommended Douche Powder to be used in connection with 'SM' Suppositories. To prepare the Douche, dissolve a heaping teaspoonful of 'SM' Antiseptic Powder in a pint of warm water. Use at a temperature of from 98 to 113 Fahrenheit. Use as required"; (circular) "Dr. Richard H. Simmons' 'SM' Antiseptic Powder. On opening a package of 'SM' Antiseptic Powder you notice the clean pleasing aroma, indicative of its antiseptic qualities. * * * 'SM' presents to the discerning woman the utmost in a * * * actually beneficial antiseptic powder. Having * * * germicidal value, it is the ideal scientific antiseptic for feminine hygiene and general home needs. * * * As a Douche: * * * Dissolve a heaping teaspoonful of 'SM' Antiseptic Powder in a pint of water * * * As an Effective Antiseptic Solution: Dissolve two teaspoonfuls of 'SM' Antiseptic Powder in $\frac{1}{2}$ pint of warm water. Heat to dissolve completely. Always have such a solu-

tion ready for uses as indicated below and for other purposes where a good Antiseptic Solution is wanted." Misbranding of the said "SM" antiseptic powder was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the circular, were false and fraudulent: "Women whose work necessitates their being on their feet all day often suffer from back-ache, leucorrhoea or other enervating weaknesses. A warm douche of 'SM' Antiseptic Powder quickly relieves this uncomfortable, painful condition. Don't be a slave to that tired, listless feeling. Douche daily with 'SM' Antiseptic Powder—retain your vivacity—erase those worry and fatigue lines. Through your sense of well being you will unconsciously retain that mental serenity and confidence so necessary at all times to your personal charm and daintiness."

Misbranding of the Neofem was alleged for the reason that the following statements, appearing on the carton and bottle labels and in a circular shipped with the articles, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "For Amenorrhoea and Dysmenorrhoea. * * * The contents of this package is suggested for the treatment of Amenorrhoea (unnatural absence or suppression of the menses) and Dysmenorrhoea (difficult and painful menstruation). If used regularly each month, it will assist nature in reinstating the regular periods and menstrual functions. Caution: Do not use during pregnancy as it may cause a miscarriage"; (bottle) "For Amenorrhoea and Dysmenorrhoea * * * Directions Four days before expected regular period, take one teaspoonful every four hours until four doses have been taken. After first day take same dose every three hours for three more days unless desired results are obtained sooner. If desired results are not obtained after four days treatment, discontinue until seven days"; (circular) "If you are troubled with uncertain periods or worried by delayed menstruation, Neofem will give you prompt relief if taken internally according to directions. Used regularly it will assist nature in reinstating regular periods and menstrual functions. Offered only as a treatment for Amenorrhoea (caused by severe colds or other unnatural suppression of the menses) and Dysmenorrhoea (difficult and painful menstruation). These uncertain periods, due to unnatural causes should not be confused with pregnancy, as the use of this medicine may easily cause a miscarriage. Sold in either liquid or capsule form. Price \$5.00."

Misbranding of the "SM" vaginal suppositories was alleged for the reason that the following statements appearing in the circular were false and misleading: "The amazing efficiency of 'SM's' is achieved through a unique method of compounding certain advanced germicides, widely recognized and highly endorsed by the medical profession. * * * allowing the antiseptic solution to mix with the normal body secretions. The resultant solution forms a highly antiseptic germicide * * * thus providing a continuing germicidal action which is the protective time element necessary for complete antiseptis. * * * 'SM's' vastly greater efficacy comes through the use of correct proportions of well-known germicides of the highest quality evenly distributed throughout each suppository. 'SM's' because of the inherent qualities of their composition, insure antiseptic action that is more than momentary." Misbranding of the said 'SM's' vaginal suppositories was alleged for the further reason that the following statements regarding its curative and therapeutic effects, appearing in the circular, were false and fraudulent: "'SM's' serve as a preventive of infection, and as a corrective to vaginitis, leucorrhoea and other general catarrhal conditions of the mucous membrane of the vaginal tract."

Misbranding of the Neofem capsules was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the circular shipped with the article, were false and fraudulent: "If you are troubled with uncertain periods or worried by delayed menstruation, Neofem will give you prompt relief if taken internally according to directions. Used regularly, it will assist nature in reinstating regular periods and menstrual functions. Offered only as a treatment for Amenorrhoea (caused by severe colds or other unnatural suppression of the menses) and Dysmenorrhoea (difficult and painful menstruation). These uncertain periods, due to unnatural causes, should not be confused with pregnancy, as the use of this medicine may easily cause a miscarriage. Sold in either liquid or capsule form. Price \$5.00. 'SM' Neofem Capsules Offered only as a treatment for Amenorrhoea (caused by severe colds or other unnatural suppression of the menses) and Dysmenorrhoea (difficult and painful menstruation). These

uncertain periods, due to unnatural causes should not be confused with pregnancy, as the use of this medicine may easily cause a miscarriage."

Misbranding of Dr. R. H. Simmons' silver and mercury was alleged for the reason that the following statements, appearing in a leaflet shipped with the article and on the carton, regarding its curative and therapeutic effects, were false and fraudulent: (Green leaflet, entitled "To the Public"), "Richard H. Simmons, M. D. Diseases of The Genito-Urinary Tract. To the Public: I have found in practice, and hope to benefit the entire populace with my findings, a treatment for the relief of pain, irritation, etc., culminating in purulent discharges. The treatment of purulent discharges is indeed simple if the correct preparation is administered. Beyond all doubt, I have found a preparation of exceptional merit that is so positive in results that I recommend it not only to the patient, but also to the physician. With care, the patient will obtain remarkable results by self-administration. There is no possible chance of injury to the urethra or prostate gland as caused by many preparations self-administered. By treatment in your own privacy, you alone are aware of your misfortune. * * * truly a discovery of note in *Materia Medica*, and as such, warrants utmost confidence. We sincerely believe that with full cooperation in following the directions carefully, you will obtain better results than through the use of any other form of treatment. * * * Directions for the Use of 'SM' Liquid. First, Urinate before using 'SM' and not for an hour after injection of 'SM.' * * * These injections are to be made three or four times daily. Not oftener. Do Not dilute 'SM.' Use full strength. Third, use in same way for a week or ten days after discharge ceases. During this period, it is advisable to gently massage while medicine is being held in canal. * * * In order to get the results you expect, you must assist nature, which you can do by observing the following instructions. * * * For the Protection of Humanity. A preponderance of the ills to which the inhabitants of this earth are heir, are the result of lack of knowledge. The old adage, 'An ounce of prevention is worth a pound of cure,' still holds good. Various 'SM' Products have been conceived to fill a very definite need. For recommended purposes, comparative clinical laboratory tests and observation cases indicate they have no equal"; (carton) "'SM' is a highly efficient germicide used for the treatment of certain diseases of the genito-urinary tract. It is non-irritating, deeply penetrating, and will not injure the delicate mucous membrane tissues with which it comes in contact."

On March 2 and March 3, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20566. Misbranding of You-Tha-Gan and Andes. U.S. v. 120 Bottles of You-Tha-Gan and 216 Bottles of Andes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29009, 29010. I.S. nos. 18862-A, 18863-A.)

Examination of the drug preparations, You-Tha-Gan and Andes involved in these cases, showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about October 25, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 120 bottles of You-Tha-Gan and 216 bottles of Andes at Dallas, Tex., alleging that the articles had been shipped in interstate commerce on or about July 9, 1932, by the Vicksburg Chemical Co., from Vicksburg, Miss., to Dallas, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (You-Tha-Gan) "You-Tha-Gan * * * The You-Tha-Gan Co. * * * Houston, Texas"; (Andes) "Andes * * * International Products Co., Inc. * * * Lexington, Ky."

Analyses of samples of the articles by this Department showed that the You-Tha-Gan consisted essentially of sugar and water with a small proportion of hydriodic acid (0.14 gram per 100 milliliters); and that the Andes consisted essentially of a small proportion of extracts of plant drugs including a laxative drug and a bitter drug, sodium acetate (0.2 percent), sugar (1.8 percent), alcohol (6.7 percent by volume), and water (approximately 91 percent).

Misbranding of the Andes was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle) "For Liver, Kidneys, Stomach and Intestines A System Purifier and Tonic"; (carton) "Tonic."

Misbranding of the You-Tha-Gan was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle label) "You-Tha-Gan * * * A general nerve tonic for adult males only, exercising a powerful stimulation of the genital organs, * * * its therapeutic action upon the human system is to rebuild and make new rather than to offer a mere temporary relief"; (small circular) "You-Tha-Gan * * * greatest of all Nerve Tonics. * * * to feed tired and jaded, worn and aged nerves, through stimulating the cellular and fibrous nerve tissues by the same method that Mother Nature uses when she refreshes the whole human body—by giving a square meal of honest-to-God food. If the flesh anywhere is pricked by a needle point we feel pain. Any one then can easily understand what our nerve-body really is. For it is only when a nerve is injured that we feel pain. The nervous system, of which the brain is the great central station, controls the entire human body—the flow of blood, as well as all the glands of the body, such as the Liver, Pancreas, the Salivary, and all the other important glands. You-Tha-Gan, by supplying these elements that tend to feed, restore and renew the 'nerve-body,' acts upon both the cellular and fibrous tissues. * * * You-Tha-Gan is designed to restore, through a more or less slow process, depending upon the nervous health of the individual, the individual's 'nerve-body' to as nearly a happy condition of healthy virile youth as is possible—the age and the general physical condition of the patient being considered, * * * having accomplished this, * * * Men After Forty. Very, very often, the waning of sex functions is caused by Pelvic congestions. Yet the average sufferer is quite ignorant of the frequent cause. The obvious is often overlooked. In men who have these congestions, most frequently the small gland called the Prostate has become afflicted. Since this is a sex gland that is richly endowed with sex nerves, congestions may be easily conceived as affecting sex matters. Getting Up At Night. As time passes, and certain of these pelvic congestions continue, the men will experience the frequent need of voiding of urine, being called upon to rise during the night—a few times, or many times, as the case may be. This robs the victim of sleep, his rest is broken, and the morning does not bring the rest and refreshment of old. If allowed to continue, the condition often grows severely worse, finally coming to the place where artificial means must be used to relieve the urine. Obviously that means a life-shortening process, and one that will ultimately kill physical, sexual and mental efficiency. You-Tha-Gan has been, in many cases, a most valued help. The above facts being kept in mind, is it surprising that in the rejuvenation of the 'nerve-body' of the patient, that he should find, after faithfully taking the remedy as directed, that his brain is keener, its action quicker and clearer, and his mental attitude is more cheerful, hopeful and courageous? * * * even though some patient may not care especially to try the remedy as a sex tonic, he may desire to test its benefits as a general nerve tonic. The active, healthy, happy life of the individual depends upon the nervous system. If it is normal and as God intended it should be, then the individual is normal, happy, and efficient in every way. You-Tha-Gan aims to make tired, worn or old nervous system, or 'nerve-bodies' as near to 'good-as-new' as can be done. It does not claim to do the impossible, but it does claim that it operates along correct lines of 'nerve-body' rejuvenation. * * * You-Tha-Gan is for adult men only. * * * it can benefit a tired, worn, and even aged, 'nerve-body,' which, in turn, when more or less renewed or restored, must surely affect every gland, every organ—in fact, the entire human system. * * * Nerves are of slow growth, and slow in healing. But healthy nerves mean a healthy body. * * * The very nature of the remedy and its therapeutic plan contemplate from one to five bottles, according to the condition you are in. However, two or three bottles are usually sufficient."; (large circular) "You-Tha-Gan * * * (For Adults Males Only) * * * designed to feed tired, jaded, worn and aged nerves, by stimulating the cellular and fibrous nerve tissues by the same practical method that Mother Nature uses when she refreshes the whole human body by giving it a square meal of honest-to-God food. * * * If a needle point is pricked into the flesh anywhere, we feel pain; then anybody can quickly understand what our 'nerve-body' really is. For it is only when a nerve is injured that we feel

pain. Furthermore, the nervous system, of which the brain is the great central station, controls the entire human body; all its glands, such as the Liver, Pancreas, Salivary, and those important glands, known as the testicles, by which a man reproduces, or procreates himself. You-Tha-Gan acts by supplying the great 'nerve-body,' of a man with those elements which tend to feed, restore and renew that 'nerve-body,' both its cellular and fibrous tissues. * * * is designed to restore, through a more or less slow process, (depending upon the nervous health of the individual) that individual's 'nerve-body' to as near a happy condition of healthy, virile youth as is possible—the age and general physical condition of the patient being considered. Having done this. * * * The above facts being kept in mind, is it surprising that in the rejuvenation of the 'nerve-body' of the patient, he should find (after faithfully taking the remedy as directed) his brain keener, quicker and clearer, his mental attitude more cheerful, hopeful and courageous? And in this connection it may be well to remind the reader that, even though some patient may not care, especially, to try the remedy as a sex tonic, he may desire to test its benefits as a general nerve tonic. Upon the nervous system depends the active, healthy, happy life of the individual. If it is normal and as God intended it to be, then the individual is normal, happy and efficient in every way. You-Tha-Gan aims to make tired, worn or old nervous systems, or 'nerve-bodies' as near to 'good as new' as can be done. It does not claim to do the impossible, but it does claim that it operates along correct lines of 'nerve-body' rejuvenation * * * for adult males only. It cannot help a broken down 'nerve-body,' but it can benefit a tired, worn, even aged, 'nerve-body' which, in turn (when more or less renewed and restored) must surely affect the entire human system—every gland, every organ. Don't expect results too quickly. Nerves are of slow growth and slow in healing, but healthy nerves mean a healthy body. * * * The very nature of the remedy and its therapeutic plan contemplate from one to five bottles, according to the condition. However, two or three are usually sufficient * * * The You-Tha-Gan Co."

On January 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20567. Adulteration and misbranding of Vi-Te-Ma poultry compound and Vi-Te-Ma stock compound. U.S. v. 46 Packages of Vi-Te-Ma Poultry Compound and 46 Packages of Vi-Te-Ma Stock Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 29308, 29309. Sample nos. 20576-A, 20577-A.)

This action involved the interstate shipment of quantities of drug preparations described as poultry and stock compounds. It was claimed for the articles in the labelings that they contained yeast and cod-liver oil and would increase egg production and assist the growth and fattening of livestock. Examination showed that the articles contained no yeast nor cod-liver oil; that the poultry compound would not insure production of eggs; and that the stock compound would not aid growth and fattening of livestock. The labels of the articles also bore unwarranted curative and therapeutic claims.

On November 23, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 packages of Vi-Te-Ma poultry compound and 46 packages of Vi-Te-Ma stock compound at Averill Park, N.Y., alleging that the articles had been shipped in interstate commerce on or about August 17, 1932, by the Vi-Te-Ma Products Co., from Fostoria, Ohio, to Averill Park, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the poultry compound consisted essentially of calcium carbonate, Epsom salt, small proportions of an iron compound and sulphur, and traces of potassium iodide, quassia, and nux vomica; no yeast nor cod-liver oil was found; and that the stock compound consisted essentially of calcium carbonate, Epsom salt, small proportions of an iron compound, fenugreek, and sulphur, and traces of potassium iodide, quassia, and nux vomica; no yeast nor cod-liver oil was found.

It was alleged in the libel that the articles were adulterated in that they fell below the professed standard under which they were sold, since the cartons

bore the statement, "Yeast, Cod Liver Oil", whereas analyses showed that they contained no yeast nor cod-liver oil.

Misbranding was alleged for the reason that the following statements appearing on the respective cartons were false and misleading: (Both) "Yeast, Cod Liver Oil"; (poultry compound) "For Production of Eggs:—Give a tablespoonful well mixed with ground feed or mash twice a week for every twelve fowls"; (stock compound) "For growing and fattening live stock as well as assists in increasing production." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Poultry compound, carton) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every ten fowls"; (certificate accompanying stock compound) "I hereby agree to use Vi-Te-Ma Compound according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding."

On January 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20568. Misbranding of Collins plasters. U.S. v. 132 Collins Plasters. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29078. Sample no. 9192-A.)

Examination of the drug preparation, Collins plasters, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On October 19, 1932, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 132 Collins plasters, remaining in the original and unbroken packages at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about September 8, 1932, by the Potter Drug & Chemical Corporation, from Malden, Mass., to Portland, Maine, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of capsicum oleoresin, starch, and rubber spread on a cloth fabric attached to two metal strips, one of zinc, the other of copper.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Circular) "For the Relief of Pain, * * * and Inflammation * * * Collins Plaster, for the relief of pain, * * * and inflammation, * * * of healing and strengthening * * * for healing purposes, * * * healing virtues, * * * for the relief of pain and inflammation * * * To be used for: Rheumatism, * * * Local Pains, Affections of the Chest, Injuries of the Back, * * * Weak Back, Cramp in the Stomach and Limbs, Rheumatism of the Wrist and Arms, Pains in the Chest, * * * Pain in the Hip, * * * Pain and Weakness in Side and Back, Lumbago, Sharp Pains in the Breast, and for Lameness and Soreness in any part of the Body. Collins Plasters for Lameness and Soreness In any part of the body * * * for the relief of pain, * * * and inflammation. * * * Special Directions. For Rheumatism * * * Apply the Collins Plasters to any part of the body where pain or soreness is felt. * * * For Sciatica.—* * * If the pain is in the hip, * * * For Weak Muscles and Joints * * * imparting strength to weakened muscles and tendons. For Simple Bone Fractures, * * * For Spinal Pains, or pain in any part of the spinal column. They may prove of value placed over the spinal column and one on the pit of the stomach, when a decided and continuous effect is desired. For Chest Pains, difficult breathing, soreness or lameness of the chest * * * These affections are relieved in many cases by the application of the Collins Plasters. For Sensitive or Weak Lungs this plaster is usually of benefit, assisting in removing soreness, tenderness and pain. * * * For Female Weakness. Females during certain periods may experience relief from the use of these plasters, when worn over

the abdomen or small of the back. For Sudden and Severe Pains in the Side and Back, and in fact in any part of the body."

On January 30, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

29569. Misbranding of Sanfords compound fluidextract of ginger. U.S. v. 32 Bottles of Sanfords Compound Fluidextract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27353. I.S. no. 30371. S. no. 5499.)

This case involved an interstate shipment of fluidextract of ginger in which the bottle and carton labels and a circular shipped with the article contained extravagant and unwarranted curative and therapeutic claims.

On December 10, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 bottles of Sanfords compound fluidextract of ginger, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about April 12, 1931, and September 11, 1931, by the Potter Drug & Chemical Corporation, from Malden, Mass., to New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Bottle label) "Directions For relief of pain in Cholera Morbus, Diarrhoea and Dysentery, arising from errors in diet, * * * if pain is severe. Ordinary Cramps, Colic and similar internal Pains * * * Dyspepsia from overeating"; (carton label) "For relief of pain in Cramps, Colic, Cholera Morbus, Diarrhoea and Dysentery, arising from errors in diet. * * * Dyspepsia from overeating. * * * For summer and winter ills. * * * Directions.—For relief of pain in Cholera Morbus, Diarrhoea and Dysentery, arising from errors in diet, * * * Ordinary Cramps, Colic and similar Internal Pains, * * * Dyspepsia from overeating, * * * For Bilious and Colic Pains, Cramps, Cholera Morbus, Diarrhoea, Dysentery and Chills and Fever Due to Exposure. * * * For Dyspepsia and disorders of the Stomach and Bowels due to Indigestion, Soreness in the Muscles and Joints"; (circular) "For Summer and Winter Ills. * * * Always healthful and helpful. * * * Cholera Morbus.—Take one quarter teaspoonful of Sanfords Ginger in half a cup of hot water, well sweetened with sugar, every half hour until relieved, adding to the first dose, and, in severe cases, the second and third doses, half an even teaspoonful of saleratus or baking soda. If the attack be severe, attended with cramps and diarrhoea, double the dose of Sanfords Ginger and apply hot cloths or hot-water bag to the bowels. When the symptoms of Cholera Morbus have fully subsided, a dose of Tincture of Rhubarb may be taken. For Children.—Take one-quarter teaspoonful of Sanfords Ginger, one-quarter teaspoonful of saleratus, and one cupful of hot milk perfectly fresh. Give teaspoonful doses of this mixture every half hour, until relief is shown by a change in the discharges. After the vomiting and purging have ceased for some time, a teaspoonful of Syrup Rhubarb should be given, or a little Castor Oil. Diarrhoea.—Take one-quarter to one-half teaspoonful of Sanfords Ginger in half a cup of hot water, well sweetened, adding to the first dose, and, in severe cases, the second and third doses, half an even teaspoonful of saleratus or baking soda. Repeat after every operation until relieved. In severe cases, after three doses of Sanfords Ginger, a dose of Sweet Tincture of Rhubarb may be taken. Dysentery.—First take one or two teaspoonfuls of Castor Oil in lemon juice. When this has operated, take one-quarter teaspoonful of Sanfords Ginger in a cup of hot milk, sweetened with sugar. Repeat, if deemed advisable. Cramps and Soreness.—Take one-quarter to one-half teaspoonful of Sanfords Ginger in a cup of hot water, well sweetened, every half hour until relieved. In severe cases apply hot flannels or hot-water bag to the bowels. * * * Throughout the South and West where Chills and Fever prevail, Sanfords Ginger is highly appreciated. It tends to prevent the debilitated state of the system preceding acclimation, * * * Dyspepsia and Indigestion.— * * * It stimulates digestion, * * * and usually prevents the sense of fullness or oppression after eating. * * * all should try it when

* * * nervous or sleepless, or after exposure to * * * chills. * * * will be found a most * * * strengthening * * * composition for Convalescents, Dyspeptics and delicate women and children."

On April 7, 1932, the Potter Drug & Chemical Corporation, Malden, Mass., intervened and filed a claim and answer. On February 9, 1933, the answer having been withdrawn by leave of court, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed and that costs of the proceedings be assessed against the claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20570. Adulteration and misbranding of fluidextract of ginger. U.S. v. 1,120 Bottles of Fluidextract of Ginger, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27754. I.S. no. 50326. S. no. 5822.)

This action was brought against a shipment consisting of a lot of fluidextract of ginger, a drug, and a lot of orange extract, a food. The fluidextract of ginger contained a fatty oil such as castor oil, which is not a constituent of fluidextract of ginger as defined by the United States Pharmacopoeia, and also contained a much smaller proportion of the material derived from ginger than the pharmacopoeia provides. The label also bore unwarranted curative and therapeutic claims. Notice of judgment no. 20545 reports the action taken regarding the extract of orange.

On February 16, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,120 bottles of fluidextract of ginger, and 256 bottles of orange flavoring extract. It was alleged in the libel that the articles had been shipped in interstate commerce, on or about November 6, 1931, by the H. L. Jones Co., from Eldorado, Ark., to St. Louis, Mo., that they remained unsold in the original bottles at St. Louis, Mo., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Fluid Extract of Ginger * * * Bottled by Austin Products Co., 447 N. La Salle St., Chicago, Ill."

Adulteration of the fluidextract of ginger was alleged for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the name, of another article. Misbranding was alleged for the further reason that the statement on the label, regarding the curative or therapeutic effects of the article, "Externally it may be used for * * * rheumatism", was false and fraudulent.

On January 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20571. Misbranding of I. L. St. John's "Magnetic" brand oil. U.S. v. Frank L. Bridinger. Plea of guilty. Fine, \$100. (F. & D. no. 28208. I.S. no. 52247.)

Examination of the drug preparation, I. L. St. John's "Magnetic" brand oil, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the wrapper and in a circular shipped with the article.

On December 13, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank L. Bridinger, Tiffin, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 18, 1931, from the State of Ohio into the State of Indiana, of a quantity of the said I. L. St. John's "Magnetic" brand oil that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of turpentine oil and rosin, chloroform, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the wrappers, falsely and fraudulently

represented that the article was effective as a treatment, remedy, and cure for rheumatism, sick and nervous headache, coughs, sore throat, diphtheria and croup, toothache, old sores, spinal affections, lame back, earache, contracted cords and muscles, corns, cramps, and colic pains, diarrhoea, gravel and kidney complaint; and in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing in an accompanying circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sore throat, diphtheria, cramps, toothache, lame back, spinal affections, contracted cords and muscles, earache, corns, cramp or colic pains, diarrhoea, kidney complaints, pain in the breast and hoarseness; and effective as a treatment, remedy, and cure for chronic inflammatory rheumatism, sick and nervous headache, coughs, consumption and bronchial affections, catarrh, croup, fever and ague, dyspepsia, lame back of long standing, gravel, piles, and bunions.

On January 7, 1933, the defendant entered a plea of guilty to the information, and on January 31, 1933, the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20572. Adulteration and misbranding of fluidextract of ergot. U.S. v. Seven 1-pint Bottles of Fluidextract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29004. Sample no. 20454-A.)

This action involved a quantity of a product represented to be fluidextract of ergot of pharmacopoeial standard, and which upon examination was found to possess a potency of not more than one half of that required by the United States Pharmacopoeia for the article. The product, because of its low potency, would not produce certain therapeutic effects claimed in the labeling.

On October 6, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven 1-pint bottles of fluidextract of ergot, remaining in the original unbroken packages at Bayonne, N.J., alleging that the article had been shipped in interstate commerce on or about August 20, 1932, by the Chermak Drug Co., of Bayonne, N.J., from the Imperial Drug Exchange, New York, N.Y., to Bayonne, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fluid Extract Ergot, U.S.P. * * * American Pharmaceutical Co., Inc. New York, N.Y."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Fluid Extract Ergot", and differed from the standard of strength as determined by the test laid down in the pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the following statement on the label was false and misleading: "Fluid Extract Ergot U.S.P. * * * Physiologically Standardized." Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Action—A powerful stimulant of involuntary muscles especially those of the uterus. An active vaso-constrictor and circulatory stimulant. Uses—Checks postpartum hemorrhage by contracting the uterus. As a routine prophylactic measure post-partum hemorrhage. For the relief of menorrhagia, metrorrhagia, some forms of dysmenorrhea, and atonic conditions of the reproductive organs. Also as a circulatory stimulant. Dose—Average U.S.P.—30 minims (2cc.)."

On November 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20573. Adulteration and misbranding of fluidextract of ergot. U.S. v. Three 1-Pint Bottles of Fluidextract Ergot. Default decree of condemnation and destruction. (F. & D. no. 29805. Sample no. 21637-A.)

This action involved a shipment of fluidextract of ergot, represented to be of pharmacopoeial standard and which was found upon examination to have a potency of about one third of that required by the United States Pharmacopoeia for fluidextract of ergot.

On or about February 7, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three 1-pint bottles of fluidextract of ergot, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about December 10, 1932, by the American Pharmaceutical Co., Inc., from New York, N.Y., to New Haven, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Fluid Extract Ergot", and differed from the standard of strength as determined by the test laid down in the pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statements on the label, "Fluid Extract Ergot (Fluidextractum Ergotae) U.S.P.", were false and misleading, since the article had a potency of one third of that required by the pharmacopoeia for fluidextract of ergot.

On April 26, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20574. Misbranding of Stirizol. U.S. v. 21 Bottles of Stirizol. Default decree of condemnation and destruction. (F. & D. no. 29846. Sample no. 32763-A.)

Examination of the drug preparation Stirizol disclosed that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the circular shipped with the article. It was also represented in the circular that the article was an antiseptic, whereas it was not an antiseptic when used as directed.

On February 15, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of Stirizol, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1932, by the Stirizol Co., Inc., from Ossining, N.Y., to Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of borax and sodium chloride together with small proportions of essential oils, including menthol, thymol, eucalyptol, and methyl salicylate. Bacteriological tests showed that the product was not antiseptic when used in the dilution directed for a douche.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading, since the product as used would not be antiseptic: "Doctors have long had access to efficient antiseptic solutions, but womankind in general had no simple method of hygiene, that was non-poisonously medicated. They now demand that such means be placed at their disposal. They know that soap and water are not enough for the proper care of those 'difficult-to-reach' parts of their bodies where bacteria are discharged in waste matter. They know that bacteria cause trouble if not removed, and that dangerous infections are apt to occur. * * * Women often use antiseptics which do more harm than good, simply because they know of nothing better. Solutions containing carbolic acid, bichloride of mercury, creosote, and other poisonous caustic compounds are still, unfortunately, quite common, though disguised under many names. These compounds have a certain germicidal action, but they are often very harmful in effect. Their corrosive action burns and hardens the delicate walls of the vagina, so that it eventually will not function as nature intended. Yet it is absolutely unnecessary that women endanger their health by using these strong poisonous solutions. A medicated solution which is soothing and healing, but which cannot harm the most delicate tissue, is now available for your protection. * * * The correct solution is one heaping teaspoonful to each two quarts of water." Misbranding was alleged for the further reason that the following statements appearing in

the circular were false and fraudulent: (Circular.) "Doctors have long had access to efficient antiseptic solutions, but womankind in general had no simple method of hygiene, that was non-poisonously medicated. They now demand that such means be placed at their disposal. They know that soap and water are not enough for the proper care of those 'difficult-to-reach' parts of their bodies where bacteria are discharged in waste matter. They know that bacteria cause trouble if not removed, and that dangerous infections are apt to occur. Modern woman has succeeded in her demand for a proper treatment and now the feminine disorders, which a few years ago made chronic invalids, are disappearing as the knowledge spreads. Women have carried this idea of hygiene into their businesses, their home duties, and the care of their children, thus improving the health of the entire nation. The danger area: Woman is so anatomically constituted that the most important organs of her body, the child bearing organs, open in an area where two canals discharge waste matter frequently—waste matter which is crowded with dangerous bacteria. When this area is not properly guarded these bacteria may enter the passage to the delicate female organs and cause inflammation or even ulcers. The organs of reproduction themselves frequently discharge waste matter through the thousands of little glands which line the vagina, (medical name for the passage leading to them). This passage is constructed of a delicate mucous membrane and is easily infected and inflamed. When in such a condition, it reduces woman's vitality and makes her an easy victim for serious illness. Particularly after marriage every woman should take proper care of these passages and the area around them. Then she will be protecting her own health and happiness as well as that of her husband and future babies."

On March 27, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20575. Misbranding of Menthymoil and Crezoin Balsam Formula No. 1. U.S. v. 11 Large and 11 Small Bottles of Menthymoil and 12 Large and 11 Small Bottles of Crezoin Balsam Formula No. 1. Default decrees of destruction entered. (F. & D. nos. 29552, 29553. Sample nos. 26766-A, 26767-A.)

Examination of the drug preparations covered by these cases disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 1, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11 large and 11 small bottles of Menthymoil, and 12 large and 11 small bottles of Crezoin Balsam Formula No. 1 at Columbus, Ohio, alleging that the articles had been shipped in interstate commerce on or about November 9, 1932, by the Crezoin Chemical Co., from Merchantville, N.J., to Columbus, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Menthymoil consisted essentially of petrolatum and liquid petrolatum in which was incorporated 2.5 percent of volatile oils, including menthol, thymol, and eucalyptol; and that the Crezoin Balsam Formula No. 1 consisted essentially of an alcoholic solution of volatile oils including menthol and eucalyptol, resins such as benzoin and tolu, and creosote.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent: (Menthymoil, large bottle label) "For Nasal Catarrh, Asthma, Hay Fever, Bronchitis, Sore Throat, Tonsilitis, * * * and all inflamed conditions of the Air Passages. * * * for all diseased or inflamed conditions of the Skin or Scalp. * * * for Treating Nasal Passages * * * For Deafness, Head Noises and Sinuses. * * * after nasal passages have been cleansed and purified by the use of the Inhalers"; (Menthymoil, small bottle label) "Nasal Catarrh, Hay Fever, Deafness, Bronchitis, Asthma, Head Noises and Sinus Trouble * * * for Sores, * * * and any Inflamed or Diseased condition of the Skin or Scalp. * * * First treat nostrils with Crezoin Inhalers as directed in our general directions"; (Crezoin Balsam Formula No. 1, large and small bottle labels) "For Nasal Catarrh, Asthma, Hay Fever, Bronchitis, Sore Throat,

Tonsillitis, * * * Croup, Sinus, Ear Trouble, and all Diseases of the Air Passages * * * and all Inflamed or Diseased Conditions of the Skin when Applied Externally. * * * To treat Throat or Lungs.— * * * To prevent itching * * * In dealing with Chronic Diseases of the Air Passages results are guaranteed only when the complete Catarrhal outfit is used."

On February 1, 1933, no claimant having appeared for the property, judgments were entered ordering that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20576. Misbranding of sheep powder, hog powder, mineral compound, drenching powder, and fox mineral. U.S. v. 20 Bags of Sheep Powder, et al. Consent decrees of condemnation. Products released under bond to be relabeled. (F. & D. nos. 28228 to 28232, incl. I.S. nos. 23413 to 23416, incl., 23418. S. no. 6078.)

Examination of the drug preparations involved in these cases disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 27, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 20 bags of sheep powder, 250 bags of hog powder, 160 bags of drenching powder, 100 bags of mineral compound, and 120 bags of fox mineral, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped in interstate commerce, in part on or about October 27, 1931, and in part on or about February 23, 1932, by the Economy Hog & Cattle Powder Co., from Shenandoah, Iowa, to Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the sheep powder consisted essentially of a mixture of sodium sulphate, calcium carbonate, charcoal, sulphur, sodium bicarbonate, calcium phosphate, and ground plant drugs including kamala and tobacco; that the hog powder consisted essentially of sodium sulphate, sodium bicarbonate, sulphur, calcium carbonate, calcium phosphate, and charcoal; that the drenching powder consisted essentially of sodium sulphate, sodium bicarbonate, and charcoal; that the mineral compound consisted essentially of sodium sulphate, sodium bicarbonate, calcium carbonate, sulphur, charcoal, and calcium phosphate; and that the fox mineral consisted essentially of sodium sulphate, calcium carbonate, calcium phosphate, sodium bicarbonate, sulphur, charcoal, and small proportions of ground plant drugs including kamala and chenopodium.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent: (Sheep powder, leaflet) "Worms, parasites, gastritis and enteritis are among the chief enemies of Sheep and have caused a death toll that runs into the tens of thousands annually. Special attention should be given to the treatment of these troubles both as to their prevention and cure. Economy Sheep Powder is a tonic * * * blood purifier, a worm expeller, and as an aid to digestion, * * * we believe that in Economy Sheep Powders, we have found an article that is a preventive for most ailments that Sheep are heir to. We believe that in order to grow sheep profitable and successfully that Economy Sheep Powders are invaluable. Gastritis And Enteritis—This is a most deadly disease. Many veterinarians and Live Stock Men do not know the nature and realize the danger of this disease. Gastritis means inflammation of the stomach. Enteritis means inflammation of the intestines. Some of the fattest animals may become afflicted with this disease and when they do, death soon follows. The symptoms of this disease are lack of appetite or a variation of appetite, which is often followed by diarrhoea and if not checked will cause death. Treatment * * * After the bowels have been thoroughly cleansed, continue the above dose every other day until evidence of the disease disappears. * * * until the animal's stomach and intestines are healed. You must not feed corn or whole rye or barley until you know that your animal has fully recovered his health. * * * Filth and unsanitary conditions are the factors that produce this disease and practically all other diseases. In treating for these troubles, separate your flock and treat those of a size separately. Prevention—As a prevention of this deadly disease, use one pound of Economy Sheep Powders

twice each week in the feed for every 1000 pounds of live weight of Sheep.

Worms—Worms are the cause of a big per cent of the sickness and death of Sheep. A sheep infested with worms will not grow and thrive and the feed given to a worm infested Sheep is wasted. **Treatment**—Feed one pound of Economy Sheep Powder to every 1000 pounds of live weight of Sheep every day for three days. * * * In treating for worms, separate your flock so you can treat those of a size separately. Better results are obtained by doing this. **Thrifty Lambs**—Are insured when the ewe has had access to Economy Sheep Powders. The ewe will give an increased flow of milk where the Powder is fed. **Wool**—Economy Sheep Powders will improve the wool both in quantity and quality. Tests made with the Powder, has proven that wool clipping can be increased from one-half to one pound. The reason is because the Sheep is healthy and thrifty. **Catarrh (Snotty Nose)**—Where Economy Sheep Powder is fed regularly with equal parts salt, this trouble will be relieved. * * * **Forage Poisoning**—Sheep on the range come in contact with different kinds of weeds that are often poisonous. When Economy Sheep Powder is kept before the Sheep regularly it assists nature in throwing off these poisons and prevents this trouble in most every case. **Bloating**—There is more or less danger of bloat when Sheep are running on clover and alfalfa. Thousands of dollars are lost annually from this trouble alone. The Powders contain four different sodas and charcoal which expels and absorbs the gases in the stomach. In extreme cases of bloat drench with one-fourth pint of regular Economy Drenching Powders in a quart bottle filled with warm water and properly dissolved. * * * If you find any sick sheep in your flocks take them away from the flock at once and put into pens and treat them separately"; (hog powder, envelope) "If You Expect Results From These Goods You Must Follow the Enclosed Directions * * * Save Your Hogs"; (hog powder, leaflet) "Save Your Hogs * * * Tens of thousands of satisfied customers will gladly tell you how they save their hogs and make money by feeding Economy Stock Powders. * * * For Worms: In feeding for worms, it is important that the stomach be empty, in order to get the full benefit of the worm seed. Worms absorb nutrition and will always receive the full benefit from the worm seed when fed on an empty stomach. Where your hogs or pigs are not badly infested with worms feed two feeds as above outlined, one each day, then skip a day, and on the fourth day give half a feed in with the regular feed, but in case your pigs have been neglected and are full of worms, and their condition has become chronic we advise the following method which is a sure way to bring results. In cases where pigs become badly infested with worms, a feed or two of Mineral Powders will not do the work without feeding too heavily, which may cause bad results. A sure way to expel worms in pigs after they are weaned, (which is the bad period) is to feed one pint of Mineral Powders to 1,000 pounds of live weight of pork for ten consecutive days. * * * and you will have no trouble in getting the worms. Thumps are caused by thick, heavy blood, lack of exercise, and the proper amount of sunshine. Thumps can be quickly relieved by taking all feed from your pigs and giving them a very thorough cleansing out. Give about a pint to every ten or twelve pigs, weighing from twenty-five to thirty pounds. Where pigs are on the mother sow and have the thumps, give the mother a feed heavy enough to loosen her bowels and make them very free. * * * help the Mineral Powders do their work. **Lung Trouble**:—Do not mistake lung trouble for thumps. Where you have lung trouble, the flank of the pig or shoat will quiver and jerk, while thumps are caused more by clogging of the air way in the throat. One is in the throat and the other in the lungs. * * * **Note**—If you have Sick Hogs, write us, giving full particulars, symptoms and actions of your herd, and we will outline a specific treatment for you. **Gastritis and Enteritis**:—This is a most deadly disease. Many veterinarians and live stock men do not know the nature and danger of this disease. Gastritis means inflammation of the stomach. Enteritis means inflammation of the intestines. Some of the fattest animals sometimes are afflicted with this disease and death soon follows. The symptoms of this disease are lack of appetite or a variation of appetite, which is often followed by diarrhoea. Both sheep and hogs are affected by this disease; sometimes cattle, especially the baby beef cattle that are put on a long time feed. **Treatment**: * * * feed one pound of Economy Mineral Powders to every 1,000 pounds of live weight of hogs or sheep. * * * After the bowels have been thoroughly cleansed, continue the above feed as suggested every other

day until evidence of the disease disappears, after which use the Mineral Powder twice a week. * * * You must feed sparingly and carefully until the animal is thoroughly relieved in his stomach and intestines are healed. You should take heed to this statement because this is the most serious, and most dangerous, period with the animal, and the overfeeding of the animal at this stage will often produce death. * * * Directions for Cattle * * *

Clover bloat and corn stalk disease are a dread to the feeder in their season and cause the loss of many dollars that can be saved by the feeding of Economy Mineral Powders. Directions for Stock Cattle * * * This will give relief in alfalfa and clover bloat, and help to keep your cattle thrifty and in good condition. Many feeders claim it actually prevents this trouble. Scours in Calves:—* * * You can get relief by this treatment. For any information regarding disease or trouble you may have with your stock, write us and we will give immediate reply, as we are constantly studying the domestic animal and its diseases, and we will give you any information possible. * * *

Directions for Horses Horses often run down and get into a dilapidated condition caused by over work, foul stomach, indigestion and worms. Economy Mineral Powders will aid digestion. * * * for Colic:—Dissolve one pint of Economy Mineral Powders in a quart of hot water and drench with an ordinary drenching bottle. * * * If relief is not obtained within one hour's time, repeat the feed. Directions for Sheep * * * For Worms:—Feed one pound a day for every 20 head for eight to ten days, then decrease to regular feed. * * *

White Scours in Pigs This disease affects young pigs from a few days to two or three weeks old and is characterized by severe intestinal discharges. These discharges are white in color and have a very offensive odor. White scours is the result of an acid condition of the milk, which is transferred to the little pigs. The only way to treat this trouble is through the mother. It should be fed at the rate of one-half pint to every 500 pounds of the hog meat, sufficient to cause a thorough cleansing of the mother sow. The sow should be given one feed a day for two days, then regularly twice every week. * * *

These Mineral Powders are made to prevent disease, rather than to cure, but if your animals get sick, diagnose the trouble and follow the directions for that particular trouble. In case you do not get results, write us;" (mineral compound, leaflet) "Economy Cattle Powders are valuable for cattle on high feed. They are made to keep the stomach sweet and the sodas help to keep the gas out of the stomach and makes a better pond of fluid in the stomach. You will notice when you feed them that you will have no belching up of the feed. Your steers will not burn or stick as some people call it. Continual and prolonged heavy feeding causes carbonic gas to form in the stomach and this causes fever which cooks up the digestive fluid, which is very essential for good digestion and to keep the animal's digestive tract in good condition. Gas and fever in the stomach are unquestionably the greatest enemy of cattle feeders. Economy Cattle Powders are a great aid in this particular. Many of our customers claim that they have been worth hundreds of dollars to them for this purpose alone. The Economy Cattle Powders stimulate the secretive cells of the stomach, makes them more active in producing more of the digestive fluid for the stomach and keeps the stomach sweet, strong and healthy causing the digestive organ to perform its proper function so that when the food reaches the last or assimilative stomach, the animal will extract 10% to 15% more of the nutritious qualities from the feed. Economy Cattle Powders will pay for themselves several times over, not only in the saving of grain, but by causing good digestion and will shorten the feeding period and also give a soft velvet finish which will attract the high price of the market. * * *

There is more or less danger to cattle running in stock fields, on clover and alfalfa and a little protection by way of a Conditioner and gas Expeller often means many hundred's of dollars saved to the owner. Economy Cattle Powders have proved that they are an aid in keeping cattle healthy from corn stalk disease, clover bloat, and in general the common troubles and diseases that worry stockmen can be warded off in a great measure by the little protection given by the use of Economy Cattle Powders. Now, let us talk confidentially to you. We don't cure these diseases but Economy Cattle Powders have proven in a great percentage of cases where used, to be a preventive and a little protection to you may save you many dollars in losses. The object, of course, is to keep the animal's digestive organs in good condition, the stomach sweet, the blood pure, and of course then the resistance will be stronger and the vitality will be much stronger also and

your animal will be in better shape to ward off any of these troubles. * * * This will expel gases from the stomach, keep the blood cool and the stomach sweet * * * This will give you as good a preventative as is now known. For any information regarding diseases or trouble, you may have with your stock, write us and we will give immediate reply as we are constantly studying the domestic animal and its diseases, and we will give you any information possible.”; (drenching powder, envelope) “If You Expect Results From These Goods You Must Follow the Enclosed Directions * * * Save Your Hogs”; (drenching powder, leaflet) “For use in cases of all kinds of badly deranged stomachs, impaction, clover bloat, corn stalk diseases, and all other troubles where quick relief is required. Remember In Stubborn Cases The Dose May Be Enlarged. In milder cases, it may be reduced. * * * For cattle For impaction, clover or alfalfa bloat, badly deranged stomach caused by dispeptic conditions, * * * For, Calf Scours, * * * In bad cases of scours * * * Cows at calving time For after birth. When cows do not clean within one or two hours, use one (1) pound of Drenching Powder in warm water and drench. If results are not obtained within from three to four hours, repeat the dose. Garget For garget, use the same dose and administer in the same way as for clover and alfalfa bloat. Administer the same dose every other day until relief is obtained. * * * This Trouble Must Be Treated In Its Very First Stages. Otherwise no relief can be had. * * * Corn stalk disease For corn stalk disease in cattle and horses, use same dose as for bloat. Horses In cases of colic, founder, asteria, or impaction, drench with one and one-half (1½) pound Drenching Powder. Where relief is not had within an hour, repeat the dose. Exercise the animal gently until relief is had. Sheep * * * In cases of impaction or bad stomach in grown sheep, * * * Hogs—Old brood sows For constipation, fever and badly deranged stomach”; (fox mineral, leaflet) “Economy Fox Mineral * * * For use as a Vermifuge for periodical worming feed eight (8) ounces for forty (40) Foxes for three days, omitting the cereal feed mornings, then resume the general feeding directions.”

On December 22, 1932, the Economy Hog & Cattle Powder Co., Shenandoah, Iowa, having appeared as claimant for the goods and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that they should not be sold or disposed of until relabeled so that they comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20577. Adulteration and misbranding of tincture of aconite. U.S. v. Sharp & Dohme, Inc. Plea of nolo contendere. Fine, \$600.
(F. & D. no. 28048. I.S. nos. 8985, 27828, 28191.)

This case was based on three interstate shipments of tincture of aconite that was represented to conform to the standard of the United States Pharmacopoeia. Tests of the article showed that one lot had a potency of less than one third of the pharmacopoeial requirement, and that the other two lots had a potency of less than one half of the requirement.

On December 21, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Sharp & Dohme, Inc., a corporation, Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 7, 1931, from the State of Pennsylvania into the State of New Jersey, and on or about March 3, and April 4, 1931, from the State of Pennsylvania into the State of New York, of quantities of tincture of aconite that was adulterated and misbranded. The article was labeled in part: “Tincture Aconite U.S.P.X. Standard (Tinctura Aconiti) * * * Biologically Standardized Note:—Tr. Aconite U.S.P.X. shows marked deterioration with age. To overcome this 1-100 of one percent of acid has been added to this product. * * * Sharp & Dohme Baltimore-Philadelphia.”

It was alleged in the information that the article was adulterated in that it was sold by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, or purity as determined by the test laid down in the said pharmacopoeia, official at the time of investigation, since the pharmacopoeia provides that tincture of aconite, when administered

subcutaneously to guinea pigs, should have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig, whereas the article, when administered subcutaneously to guinea pigs, had a minimum lethal dose of more than the pharmacopoeial requirement, two of the lots requiring 0.001 cubic centimeter per gram of body weight of guinea pig, and the third lot requiring 0.0016 cubic centimeter per gram of body weight of guinea pig, to produce a lethal dose; and the standard of strength, quality, or purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard or quality under which it was sold, in that it was represented to be tincture of aconite that conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statements, "Tincture Aconite U.S.P.X. Standard * * * Biologically Standardized", borne on the label, were false and misleading, since the article did not conform to the requirements of the pharmacopoeia, and was not biologically standardized.

On March 20, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600 on the adulteration charges, and withheld fine on the misbranding charges.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20578. Misbranding of Ointrex Rub-Inhalant. U.S. v. 10 Dozen Small Jars, et al., of Ointrex Rub-Inhalant. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29096. Sample no. 2108-A.)

Examination of the drug preparation Ointrex Rub-Inhalant, involved in this case, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the jar and carton labels and in a circular shipped with the article.

On October 25, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen small, 1 dozen medium, and 1 dozen large jars of Ointrex Rub-Inhalant, remaining in the original unbroken packages at Colorado Springs, Colo., consigned by the Rex Research Corporation, Toledo, Ohio, alleging that the article had been shipped in interstate commerce, on or about March 13, 1930, to Colorado Springs, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ointrex Rub-Inhalant * * * prepared by Rex Research Corporation, Toledo, Ohio."

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, including menthol, camphor, and methyl salicylate, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Tin container) "Relieves * * * Bronchial, Sinus & Polypus Troubles. * * * Sore Feet, * * * Asthma & Nasal-Catarrh"; (jar label) "Sore Throat * * * Coughs, Whooping Cough, Catarrh, Asthma and Hay Fever. * * * As a Liniment or Dressing, Ointrex will be found very helpful for * * * Boils, * * * In case of acute Bronchitis, * * * Pneumonia, Influenza—call your physician without delay. * * * to relieve * * * Catarrh, * * * Respiratory and Surface Inflammation and Congestion. * * * To Relieve Congestion and Inflammation of the Respiratory Organs and for Surface Inflammations. Influenza, LaGrippe, Croup, Asthma, Catarrh, * * * and Hay Fever"; (carton) "To Relieve Congestion and Inflammation of the Respiratory Organs and for surface Inflammations, Influenza, LaGrippe, Croup, Asthma, Catarrh, * * * and Hay Fever. * * * Colds, to Arrest Their Development and Prevent Complications and Serious Consequences"; (display carton) "'Colds Neglected Cause Tens of Thousands of Deaths Annually' * * * Relieves * * * Bronchial, Sinus and Polypus Troubles"; (circular) "Keep Them Healthy * * * Colds * * * to Arrest Their Progress and Prevent Complications and Serious Consequences * * * Croup Croupy cough is the cause of much concern and discomfort. * * * Croupy Coughs are usually worse at night. Such spells can often be allayed or prevented entirely by an Ointrex treatment before retiring. Fresh, but warm air is essential and in severe cases, consult your family doctor * * *

Coughs * * * Whooping Cough. This is one of the most troublesome of the whole cold family. While not particularly dangerous of itself, whooping cough subjects the lungs and bronchial tubes to strain which may have very serious after effects. Ointrex will effect relief if rubbed on the entire length of the spinal column in the morning, at least once during the day and before retiring at night. Also insert Ointrex in nostrils and use hot flannel as in the case of ordinary colds. * * * Asthma to Avoid Asthma, consult your physician. Ointrex relieves Asthma when rubbed thoroughly into the spinal column from shoulder to hip. Nerves are thus relaxed. Insert Ointrex also into nostrils as directed under caption 'Head Colds.' Repeat as often as is necessary until relief is afforded. Nasal Catarrh Nasal Catarrh may be but an indication of sinus trouble and the advice of a competent physician should be sought. Nasal catarrh is chronic in many sections and is almost impossible to cure. Relief is obtainable, however, by inhaling Ointrex as prescribed under 'Head Colds.' Apply Ointrex freely to nasal passage, snuffing vigorously up into head and throat. Directions for Using and Applying Ointrex Congestion or Inflammation of the Air Ducts Consult Special Headings for Specific Troubles Ointrex * * * developed * * * with a view of alleviating colds and the suffering which they entail. * * * It lubricates and holds within, inhalents that relieve the nasal passage and prevent the formation of excessive mucus to carry infection to the throat, lungs and stomach. * * * Colds Neglected are the Direct and Indirect Cause of Tens of Thousands of Deaths Each Year * * * Those * * * who suffer from nasal catarrh will do well to make this simple test of Ointrex. In no more than five minutes it will demonstrate its healing and protective virtues. Insert Ointrex of about the size of a large pea into each nostril with the assistance of your little finger. Then successively hold each nostril closed, and inhale strongly drawing it into the head and throat. Within two minutes you will find the accumulated mucus beginning to loosen and in a few minutes your head will be clearing. As the mucus is removed, it carries away cold germs and allays inflammation. Ointrex used in this manner as a preventative and relief for colds or relief for nasal catarrh * * * Colds directly or indirectly are the cause of the major portion of illness today. Neglected colds cause tens of thousands of deaths every year. * * * It is a fact that doctors are not called for hundreds of thousands of cases of colds, any one of which might develop to serious proportions, therefore, Ointrex is of inestimable value and is needed in every home. * * * It is the part of wisdom, therefore, to regard every cold as potentially dangerous and to cure it and prevent complications."

On February 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20579. Misbranding of Rawleigh's rheumatic tablets. U.S. v. 240 Bottles of Rawleigh's Rheumatic Tablets. Tried to the court. Libel dismissed. Writ of error to Circuit Court of Appeals. Reversed and remanded. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 25504. I.S. no. 11392. S. no. 3758).

Examination of the drug preparation, Rawleigh's rheumatic tablets, showed that the article contained no medicinal agents capable of producing certain curative and therapeutic effects claimed for the article through the medium of statements on the bottle labels and circulars shipped with the product.

On December 26, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 240 bottles of the said Rawleigh's rheumatic tablets, remaining in the original unbroken packages at Denver, Colo., consigned by W. T. Rawleigh Co., Freeport, Ill., alleging that the article had been shipped in interstate commerce on or about October 1, 1930, from Freeport, Ill., to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets contained, in each: Potassium iodide (0.06 gram), sodium salicylate (0.03 gram), and plant drug extract.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle label) "Rheumatic Tablets * * * Take

one tablet three times a day after meals with a full glass of water. After taking for 4 or 5 days increase the dose to 2 or 3 tablets. If much discomfort is then felt in the stomach reduce the dose to 1 or 2 tablets"; (circular) "Causes And Treatment Of Rheumatism Rheumatism may be due to various causes. Inflammation of the joints may be due to infection. Degenerative changes may be due to infection or result from toxins absorbed from the intestines or other parts. Rheumatism of the muscles and nerves is generally caused by toxins, which most frequently originate in the intestines—and are the direct result of constipation. Diseased tonsils and teeth are also regarded as the cause of many cases of rheumatism, particularly in children and young adults and such cases may frequently be avoided by regular use of Rawleigh's Liquid Antiseptic and Rawleigh's Tooth Powder or Dental Cream. Have teeth examined regularly and in case of rheumatic symptoms have the tonsils examined by a physician. Regardless of the primary cause, rheumatism is the direct result of the body being loaded with impurities, including large quantities of uric acid—a poisonous substance that finds its way into the blood and forms minute crystals that lodge in the joints and muscles, causing congestion of the blood in these parts and producing the most excruciating pain. Gradually these impurities still further reduce the vital activity of the body and its power to resist the harmful effects produced within it, so that more serious effects such as stiffening and deformed joints result, together with almost constant torturing pain. Its attack is usually so stealthy and insidious that it is not detected until after unusual exposure, its presence is manifested by sharp aching pains and feverish inflammation. By this time the body is poisoned and the normal power impaired. The above facts plainly show that rheumatism cannot be cured until the poisonous substances which produce it are removed from the body. The best and most logical treatment for rheumatism must work with this object in view. To aid in effectively expelling all the poisons from the system and restoring the vital organs which eliminate waste materials to normal strength and activity, there is perhaps no better help than Rawleigh's Rheumatic Tablets.

* * * Do Not Expect too Quick Results because where the disease has been a long time coming on, it naturally follows that it will take some time to throw it off and restore the body to its normal and healthy condition. Continue Using these Tablets until all traces of the rheumatic conditions have disappeared and the body feels healthy and strong and free from pain. Directions for using Rawleigh's Rheumatic Tablets. Acute Rheumatism. Take one of Rawleigh's Rheumatic Tablets and drink a glass of water every morning and evening. After 4 or 5 days increase the dose to 2 tablets. In severe cases, take 3 tablets. * * * Chronic Rheumatism. Use same as for Acute Rheumatism. Sciatic Rheumatism. Use same as for Acute Rheumatism, except that external applications * * * Lumbago. Use same as for Acute Rheumatism except that external applications * * * Rawleigh's Rheumatic Tablets prepared especially to overcome rheumatism and gout. Rawleigh's Rheumatic Tablets are composed of valuable ingredients scientifically combined to (1) Increase Bodily Secretions which increases quantity of waste substances and rheumatic poisons eliminated through the bowels, kidneys and skin. This means that all the vital organs of the body and the pores of the skin are kept active and open so that nothing will interfere with the passage of waste substances from the body. (2) Remove Rheumatic Poisons, uric acid, etc., from the blood and affected parts so that the whole system may be cleansed of impurities that cause rheumatism. Rawleigh's Rheumatic Relief is especially useful for loosening up these rheumatic poisons so that they can be more easily washed away by the blood and thrown off from the system. (3) Stimulate, Strengthen and Build up the vital organs so that the body may be made strong and inwardly clean and free from rheumatic poisons and other substances which are harmful to it [similar directions in foreign languages]."

On February 16, 1931, the W. T. Rawleigh Co., Freeport, Ill., appeared and filed an answer to the libel, which was subsequently withdrawn, and on May 11, 1931, was refiled. The answer denied that the product was misbranded and subject to forfeiture, and prayed dismissal of the libel. On June 1, 1931, the libel was dismissed.

On August 26, 1931, the Government filed its assignment of errors, and on the same date its petition for appeal to the Circuit Court of Appeals for the Tenth Circuit was allowed. On March 31, 1932, the following opinion was handed down reversing the order of dismissal and remanding the case for further proceedings: (Kennedy, D. J.):

"This is a libel suit brought under the Food and Drugs Act, 21 USCA Secs. 1 to 26 (Act of June 30, 1906, 34 Stats. 768). The libel was directed against certain misbranded drugs found in the possession of the appellee. An answer was filed in which various exceptions to the libel were set forth by the appellee in the court below, among which was the following: 'Because it does not appear in and from the averments contained in the said libel that a notice and preliminary hearing by the Department of Agriculture was afforded to the claimant prior to the institution of the libel, pursuant to law in such cases made and provided.'

"At the hearing the court sustained said exception, overruled all others, and entered an order dismissing the libel and for a return of the property seized under the warrant. From such order of the District Court the Government appeals.

"Section 2 of title 21, prohibits the introduction of food or drugs in interstate commerce which are adulterated or misbranded within the scope of the act. Section 14 provides for the seizure of such specified food or drugs. Section 11 provides for the examination of specimens of food and drugs in the Bureau of Chemistry for the purpose of determining whether such articles are adulterated or misbranded, and that the Secretary of Agriculture shall give notice to the party from whom the sample was obtained in the event it is found that there is adulteration or misbranding; and further provides that any parties so notified shall be given an opportunity to be heard, upon which, if it appear that any of the provisions of the act have been violated by such party, then the Secretary of Agriculture shall certify the facts to the proper United States district attorney for appropriate action in the premises. Section 12 provides that it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of such violation, to cause appropriate proceedings to be commenced and prosecuted for the enforcement of the penalties in such case provided. Section 2 also provides that anyone violating the act shall be guilty of a misdemeanor and subjected to certain fines or imprisonment; and section 14 contemplates proceeding against the offending articles through libel.

"It does not appear from the record in this case as to how the possession or knowledge of the specimens of alleged misbranding drugs came to the District attorney upon which the libel is based.

"By the order of the trial court sustaining the exception of the appellee upon the ground that no notice had been given or opportunity to be heard under the provisions of section 11 as heretofore referred to, it was held that the libel could not be sustained, which raises the question as to whether or not such notice is necessary from a jurisdictional standpoint, and this is the sole point presented upon this appeal.

"It appears that there had been a diversity of opinion upon this point among the District Courts and Circuit Courts of Appeals. The matter came to the attention of the Supreme Court in the case of *United States v. Morgan*, 222 U.S. 274, 32 S. Ct. 81, 56 L. Ed. 193, where some of the cases of the lower courts involving conflict of opinion are cited. In the *Morgan* case the high court affirmatively holds that the notice indicated in section 11 is not jurisdictional. The gist of the decision is to the effect that, because under section 12 it is made the duty of the district attorney to institute appropriate proceedings for the enforcement of the penalties prescribed by the act when reports are made to him by the Secretary of Agriculture or by any health, food, or drug officer in any State or Territory, which latter reports would manifestly not come through the Secretary of Agriculture, it should not be held that it was the intent of Congress that he should only prosecute where notice had been given in the event that the report had come from the Secretary of Agriculture, but could prosecute without notice where the report had come from the other sources indicated, and that for the reasons stated the preliminary notice could not be held as being a necessary preliminary step to prosecutions for violations of the act either by indictment or by libel. Additional reasons are indicated in the opinion which it will not be necessary here to further set forth. The proceeding in the cited case was in the nature of a criminal prosecution by indictment, while in the case at bar it is by libel, yet we see no distinction to be made in the rule by virtue of these circumstances. We are of the opinion that this decision of the Supreme Court rules this case.

"For the reasons stated, the order of the trial court will be reversed, and the case remanded for appropriate action not inconsistent with this opinion, and it will be so ordered."

On January 18, 1933, the case having come on for final disposition and the W. T. Rawleigh Co. having failed to appear, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20580. Misbranding of Master poultry capsules. U.S. v. 3 Cans, et al., of Master Poultry Capsules. Default decree of condemnation and destruction. (F. & D. no. 28985. Sample no. 3001-A.)

Examination of the drug preparation Master poultry capsules disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 13, 1932, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cans of Master poultry capsules at Yankton, S.Dak., alleging that the article had been shipped in interstate commerce, on or about June 4, 1932, by the Master Laboratories, Inc., from Omaha, Nebr., to Yankton, S.Dak., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of kamala, thymol, and a trace of nicotine sulphate, coated with iron oxide and calcium carbonate.

It was alleged in the libel that the article was misbranded in that the following statement, appearing on the package label, falsely and fraudulently represented that the article contained ingredients or medicinal agents effective in the diseases and conditions named therein: (Package) "For Round Worm and Tape Worms in Poultry."

On February 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20581. Adulteration and misbranding of tincture of aconite. U.S. v. Four 4-Ounce Bottles of Tincture of Aconite. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29855. Sample no. 10221-A.)

This action involved an interstate shipment of tincture of aconite represented to be of pharmacopoeial standard. The article, when submitted to the tests laid down in the United States Pharmacopoeia, was found to have less than one third the required potency.

On February 14, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four 4-ounce bottles of tincture of aconite, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about February 10, 1933, by the Gibson-Howell Co., from Jersey City, N.J., to Brooklyn, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture of Aconite U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the container thereof.

Misbranding was alleged for the reason that the statement on the label, "Tincture of Aconite U.S.P.," was false and misleading, in view of the fact that the article had a potency of less than three tenths of the minimum requirement of the pharmacopoeia.

On March 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20582. Misbranding of Masterex. U.S. v. 46 Bottles of Masterex. Default decree of condemnation and destruction. (F. & D. no. 28917. Sample no. 2747-A.)

Examination of the drug preparation Masterex disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label of the package.

On September 22, 1932, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 bottles of Masterex at Yankton, S.Dak., alleging that the article had been shipped in interstate commerce on or about April 11, 1932, by the Master Laboratories, Inc., from Omaha, Nebr., to Yankton, S.Dak., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "For diarrhoea and bowel disorders in poultry."

Analysis of a sample of the article by this Department showed that it consisted essentially of cajuput oil, petroleum oil, petrolatum, nicotine sulphate, calcium chloride, hydrochloric acid, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On February 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20583. Misbranding of Moses' Herb Expectorant and Moses' Herb Discovery. U.S. v. Moses Remedy Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 27537. I.S. nos. 15921, 15922, 15966.)

Examination of the drug preparations, Moses' Herb Expectorant and Moses' Herb Discovery, disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The Moses' Herb Discovery contained less alcohol than declared on the label.

On July 11, 1932, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Moses Remedy Co., a corporation, Cambria, Va., alleging shipment by the said company in violation of the Food and Drugs Act as amended, from the State of Virginia into the State of North Carolina on or about June 15, 1931, of quantities of Moses' Herb Expectorant and Moses' Herb Discovery, and on or about August 21, 1931, of a quantity of Moses' Herb Discovery, which said articles were misbranded.

Analyses of samples of the articles by this Department showed that Moses' Herb Expectorant consisted essentially of extracts of plant drugs, including horehound and wild cherry, sugar, and water; and Moses' Herb Discovery consisted essentially of extracts of plant drugs, alcohol (7.2 percent by volume), sugar, and water.

Misbranding of Moses' Herb Expectorant was alleged in the information for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, croup, asthma, and bronchitis; and effective, when taken in connection with Moses' Herb Discovery, as a relief for tuberculosis. Misbranding of Moses' Herb Discovery was alleged for the reason that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective to remove diseases of the blood and to rouse the torpid liver to action; effective as a remedy for the diseases of women, effective as a remedy for croup, asthma, coughs, bronchial trouble, tuberculosis, and all diseases of the throat, chest, and lungs, effective to build up a run-down system and to make the sick well by eliminating all poisonous waste, toning up the liver and clearing the intestines of unused food wastes; and effective when taken in connection with Moses' Herb Expectorant as a relief for tuberculosis, coughs, bronchial troubles, and throat diseases. Misbranding of Moses' Herb Discovery was alleged for the further reason that the statement, "Not over

16% alcohol", borne on the carton and bottle labels, was false and misleading; for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein, the article containing less than the 16 percent of alcohol declared, the two lots containing 7.2 percent and 6.8 percent of alcohol, respectively.

On January 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20584. Adulteration and misbranding of National Yeastolized (Medicated) salt. U.S. v. National Feeders Corporation. Plea of nolo contendere. Judgment for \$200 and costs. (F. & P. no. 28123. I.S. no. 18752.)

This action was based on the interstate shipment of a quantity of National Yeastolized (Medicated) salt. Samples taken from the article were found to contain little, if any, yeast, cod-liver oil, potassium iodide, or Epsom salt, substances which were represented to be ingredients of the article.

On September 2, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the National Feeders Corporation, Tiffin, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13, 1931, from the State of Ohio into the State of Minnesota, of a quantity of National Yeastolized (Medicated) salt that was adulterated and misbranded. The article was labeled in part: "National Yeastolized (Medicated) Salt * * * Contains Yeast, Cod Liver Oil, * * * Potassium Iodide, * * * Epsom Salts. * * * Manufactured by The National Feeders Corp., Tiffin, Ohio."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain an appreciable quantity of yeast, cod-liver oil, potassium iodide, and Epsom salts, whereas it contained little, if any, cod-liver oil, Epsom salts, or yeast, and no potassium iodide.

Misbranding was alleged for the reason that the statements, "Yeastolized (Medicated) Salt * * * Contains Yeast, Cod Liver Oil * * * Potassium Iodide * * * Epsom Salts", borne on the sacks containing the article, were false and misleading, since the article contained little, if any, cod-liver oil, Epsom salts, and yeast, and no potassium iodide.

On October 7, 1932, a plea of nolo contendere was entered on behalf of the defendant company, and on November 10, 1932, the court entered judgment against the defendant for \$200 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20585. Misbranding and alleged adulteration of cactus butter. U.S. v. 94 Packages of Cactus Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29022. Sample no. 2094-A.)

This action involved a quantity of a product represented to be cactus butter, which was found to consist essentially of peanut butter with added oil and a trace of plant extractive material. Examination of the article disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 12, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 94 packages of cactus butter at Albuquerque, N.Mex., alleging that the article had been shipped in interstate commerce on or about May 17, 1932, by the Arizona Laboratories, Inc., from Phoenix, Ariz., to Albuquerque, N.Mex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cactus Butter * * * compounded and packed exclusively by Universal Cactus Food Products Phoenix, Arizona, * * * sole American distributor Phoenix Chemical Laboratories, manufacturing chemists * * * Phoenix, Arizona."

Analysis of a sample of the article by this Department showed that it consisted essentially of peanut butter with added oil and a trace of plant extractive material.

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, under drugs, in that its strength and purity fell below the

professed standard or quality under which it was sold, cactus butter. Adulteration was alleged under section 7 in the case of food, in that a substance, peanut butter, had been substituted wholly or in part for the article.

Misbranding was alleged under section 8 of the act, in the case of drugs, for the reason that the article was an imitation of and was offered for sale under the name of another article; and in the case of food, for the reason that it was an imitation of and was offered for sale under the distinctive name of another article. Misbranding of the article, considered as a drug, was alleged for the further reason that the following statements appearing on the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Cactus Butter is rich in sodium, iron, magnesium, potassium and all the mineral elements which are the building stones of the body. It stimulates, cleanses, revitalizes and restores normal functioning to the glandular system. * * * It has a great affinity for atmospheric oxygen, thereby purifying the blood-stream, improving the circulation and removing pathogenetic waste. This results, among other things, in removing skin blemishes and improving the complexion. It has very pronounced solvent qualities and prevents calcareous accumulations in the joints, muscles and tissues. It changes the intestinal flora, thereby normalizing the chyme. It restores normal functioning of the heart, kidneys, bowels and all vital organs. It feeds the nerves and removes the cause and effects of paralysis, nervous prostration, neuralgia, neuritis, worry and fear." Misbranding of the article, considered as a food, was alleged for the further reason that the following statements on the label were false and misleading and deceived and misled the purchaser: "Cactus Butter * * * This is a cactus butter compound * * * guaranteed to comply with all the pure food laws throughout the world. * * * A Latex from the Plant of Perpetual Youth."

On November 17, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20586. Adulteration of tincture digitalis and tincture aconite root. U.S. v. Smith, Kline & French Laboratories. Plea of guilty. Fine, \$600. (F. & D. no. 29356. I.S. nos. 38094, 38097, 38098.)

This case was based on two shipments of tincture digitalis and one shipment of tincture aconite root that were represented to be of pharmacopoeial standard. Examination of the articles showed that the tincture digitalis had a potency of approximately three fifths of that required by the United States Pharmacopoeia, and that the tincture aconite root had a potency of approximately one third of that required by the pharmacopoeia.

On February 17, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Smith, Kline & French Laboratories, a corporation, Philadelphia, Pa., charging violation of the Food and Drugs Act. It was alleged in the information that the defendant company had delivered to Smith, Kline & French, Inc., Philadelphia, Pa., on or about September 2, 1931, September 22, 1931, and October 2, 1931, quantities of tincture digitalis and tincture aconite root; that the articles had been guaranteed by the defendant as complying with the Federal Food and Drugs Act; that they had been shipped by the said Smith, Kline & French, Inc., in the identical condition as when delivered and guaranteed by the said defendant, or about September 26, and October 10, 1931, from the State of Pennsylvania into the State of New Jersey; and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: (Bottles) "S-K-F Tincture Digitalis U.S.P. * * * Tested physiologically and found to be of full strength on 7/9/31"; and "S-K-F Tincture Aconite Root U.S.P. * * * Physiologically and found to be of full strength on 1-16-31 * * * Smith, Kline & French Laboratories * * * Philadelphia, Pa."

Adulteration of the tincture digitalis was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of the investigation, in that the pharmacopoeia provides that each cubic centimeter of tincture of digitalis should correspond to 0.083 milligram of ouabain,

whereas each cubic centimeter of the article corresponded to 0.050 milligram of ouabain, approximately three fifths of the requirement of the pharmacopoeia, and the standard of strength, quality, and purity of the article was not stated on the container. Adulteration of the tincture aconite root was alleged for the reason that it was sold under a name recognized by the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that the article, when administered subcutaneously to guinea pigs, had a minimum lethal dose of more than 0.00045 cubic centimeters for each gram of body weight of guinea pig, to wit, not less than 0.0013 cubic centimeter for each gram of body weight of guinea pig, whereas said pharmacopoeia provides that tincture of aconite, when administered subcutaneously to guinea pigs, should have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the articles was alleged for the further reason that they fell below the professed standard of quality under which they were sold, since they were represented to conform to the United States Pharmacopoeia, whereas they did not.

On March 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20587. Misbranding of O. K.-Lax. U. S. v. 10 Dozen Packages of O. K.-Lax. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28434. Sample no. 6636-A.)

Examination of the drug preparation O. K.-Lax disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 27, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen packages of O. K.-Lax, remaining in the original packages at Wellston, Mo., alleging that the article had been shipped in interstate commerce on or about May 17, 1932, by the Live Food Products Co., from Hollywood, Calif., to Wellston, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "O. K.-Lax by Paul C. Bragg * * * formerly Allax * * * O. K.-Lax Mfg. Co."

Analysis of a sample of the article by this Department showed that it consisted essentially of ground leaves, barks, roots, and fruits, including a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: "The Most Important Thing in the World. * * * Banishes Disease Nervousness, Catarrh, Asthma, Diabetes, and many other diseases are caused by a polluted blood stream, which gets its start in a filthy intestinal condition. O. K.-Lax cleanses the intestines and thereby prevents these diseases. * * * The Perfect Cleanser * * * O. K.-Lax gets down to the roots of constipation and tears it out. O. K.-Lax * * * produces normal bowel elimination. You will enjoy renewed vigor and 'Pen,' and better general health. * * * Constipation Sufferers You Need This Great Book—Now—Learn the true secret of Perfect Health. Learn how to completely banish all disease, Nature's Way. * * * My amazing new book 'Cure Yourself,' explains in detail my unfailing system by which you can get rid of any ailment. * * * an intestinal cleanser. * * * 'The Most Important Thing in the World' By Paul C. Bragg Proper bowel elimination is the most important thing in the world, because it is the very foundation of Health, and without Health we cannot have any degree of happiness. We can go without food for weeks and without water for days, but unless we expel from our bodies the waste from foods we have eaten, our whole system is poisoned with this foul residue, and serious consequences result. If we did not get rid of the waste and filth of a city it would not be long before the population would be poisoned and disabled by the city's dirt. So it is with the dirt and refuse of the human body. We must move this waste out. If it is retained the intestines become a poison factory within our own bodies and form the breeding ground for disease. Constipation is the dread, insidious

factor behind at least 99% of the ills to which the body is heir. Many are of the opinion that one good bowel movement a day is enough to keep the body healthy and clean internally. This is an erroneous idea. Only one bowel evacuation a day is unnatural and unless you are having at least two or three movements a day you are due for trouble sooner or later, the direct result of internal uncleanness. If we were living natural lives, moving, romping and actively using our muscles in the open, and eating foods in their natural state, the vegetables, fruits, grains and nuts, we would be strong and healthy like the animals in the forest. We would have three and four or more bowel eliminations daily, and maintain the blood stream sweet and pure. Because of the refined, soft, mushy devitalized foods of civilization and the inactive lives we lead, it is necessary to assist Nature to cleanse the accumulations of hardened filth which cake on the side of the intestinal walls. We must help Nature rid our system of the fermenting food waste and putrid mucus which poison our blood stream and are the direct cause of many chronic diseases. * * * I used to go four or five days without a movement. Now I have several complete natural bowel movements every day. * * * Nature's Real Medicine is Food. Thousands of dollars are spent annually by the American people for laxatives, purgatives, mineral waters, and cathartics, in a vain effort to cure themselves of that tragic disease, Constipation. Thousands more are spent for enemas, oils, bran, agar, and many specially prepared foods. But to the sorrow of many, these artificial aids are injurious and habit forming; they cause irritation and inflammation of the intestinal tract, and weaken its normal functions. The Perfect Corrective * * * Become Your Normal Self O.K.-Lax * * * will cleanse your intestinal walls of the sticky, putrefying filth which has given you that tired, dragged-down feeling. It will be a great aid in normalizing your weight. * * * O. K.-Lax goes down into the intestinal tract and scrapes off the vile poisons that are producing disgusting offensive breath and slimy tongue. No longer will your blood absorb internal dirt, when O. K.-Lax is part of your program of Health. O. K.-Lax is truly a 'Miracle Substance.' My Constipation has completely banished. * * * After using O. K.-Lax for one week I find I have on the average of two to three normal bowel movements daily. * * * Since using O. K.-Lax I suffer no more from * * * bad health, bowel sluggishness and thinness."

On February 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20588. Misbranding of Griswold's Family salve. U.S. v. 113 Packages of Griswold's Family Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29582. Sample no. 12122-A.)

Examination of the drug preparation, Griswold's Family salve, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On December 2, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 113 packages of Griswold's Family salve, remaining in the original packages at Jamaica, Long Island, N.Y., alleging that the article had been shipped on or about January 10, 1932, by the Sisson Drug Co., from Hartford, Conn., and had been transported from the State of Connecticut into the State of New York, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "C. G. Griswold's Family Salve, or Plaster, * * * Manufactured by The Griswold Salve Corporation."

Analysis of a sample of the article by this Department showed that it consisted essentially of a lead compound such as lead oleate, and rosin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the circular, were false and fraudulent: (Circular) "For * * * Freezes * * * Boils and Wounds. It also very generally helps External Ulcers, * * * Weak and Lame Backs, Stomach and Joints, * * * Pain in the Side, Hard Tumors, Ague in the Face or Breast, and Local Rheumatism. * * * This Salve, if used as directed below, will in almost all cases supersede

the necessity of another kind * * * or in the practice of surgery. * * * Directions For Using. This Salve is safe * * * For * * * Ulcers * * * Freezes, * * * Boils and Canker sores, spread on linen, cotton, or leather. Change about once a week, cleansing the plaster by wiping, (if they discharge) once a day. Nothing should be done to a boil, until it is ripe. For wounds, whether made by a sharp cutting instrument, lacerated, or punctured, cleanse them with a sponge or cloth and warm water. Bring the parts together and secure them with strips of the plaster. * * * For all other applications, spread on the flesh side of thin elastic leather; deer skin is the best. If a sore is of long standing * * * To remove proud flesh, * * * [Testimonials in circular] * * * in a severe case of scalded child, * * * 'I received a severe kick in my face from a horse, bruising my nose badly. I cured it in a week's time by the use of Griswold's Family Salve.' * * * 'Your Griswold's Salve has healed an indolent sore on my ankle of three months standing * * * healing qualities, * * * healing.'"

On January 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20589. Misbranding of "SM's" vaginal suppositories. U.S. v. 10 Dozen Packages of "SM's" Vaginal Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29177. Sample no. 341-A.)

Examination of the drug preparation "SM's" vaginal suppositories disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article. Examination further showed that the article was not antiseptic, as represented.

On November 5, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen packages of "SM's" vaginal suppositories, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about February 9, 1932, by the S. M. Laboratories, Inc., from Seattle, Wash., to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of quinine sulphate and boric acid incorporated in cocoa butter. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements were false and misleading: (Circular) "Antiseptic * * * To be ideal, first consideration had to be given to the germicides to be used. * * * 'SM's' * * * conform in every respect to the exacting requirements stated * * * The germicidal and antiseptic agents used in 'SM's' are only those of known quality and repute to the medical profession. Each one was selected only after the most careful deliberation. The achievement of our chemists in combining these well known ingredients made it possible to get the germicidal effect of each into one solution of far greater efficacy. These remarkably efficient germicides in 'SM's' are combined with a soothing base material. 'SM's' dissolve completely at body temperature very soon after insertion, allowing the antiseptic solution to mix with the normal body secretions. The resultant homogeneous solution forms a highly antiseptic germicide which readily penetrates into the many folds of the vaginal tract. It adheres to the surrounding tissues, thus providing a continuing germicidal action which is the protective Time Element Necessary For Complete Antisepsis. Examine one of these suppositories and observe the uniform distribution of the germicide. * * * Their vastly greater efficacy comes through the use of correct proportions of well known germicides of the highest quality. 'SM's' * * * insure antiseptic action;" (display carton) "Their vastly greater germicidal strength." Misbranding was alleged for the further reason that the following statements appearing in the circular accompanying the article, regarding its curative or therapeutic effects, were false and fraudulent: "SM's' serve as a preventive of infection, and as a corrective to vaginitis, leucorrhea, and other general catarrhal conditions of the mucous membrane of the vaginal tract. * * * Through the use of 'SM's,' you will experience that sense of safety, security

and perfect comfort, with resultant vigorous health, not obtainable in any other way. * * * For the treatment of severe cases of leucorrhoea, vaginitis and other general catarrhal conditions of the vaginal tract, it is advisable to use 'SM's' as often as is necessary to maintain a continuous, soothing antiseptic coating covering all the membranes. In such cases, they are to be inserted two and even three at a time, gradually decreasing the number as the condition warrants."

On March 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20590. Misbranding of A. C. H. Ku-Rill. U.S. v. 551 Bottles of A. C. H. Ku-Rill. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29747. Sample no. 28065-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On January 13, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 551 bottles of A. C. H. Ku-Rill, remaining in the original unbroken packages at Denver, Colo., consigned by the A. C. Hynd Corporation, alleging that the article had been shipped in interstate commerce in various lots on or about June 16, 1932, July 19, 1932, and August 9, 1932, from Buffalo, N.Y., to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of sodium chloride, phenol, amyl acetate and acetone, alcohol and water, colored with a pink dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular, were false and fraudulent: "For universal use it excels as an external remedy. Destroys poison, germs and prevents contagion. This wonderful Germicide is harmless, powerful, yet safe as a sanitary protection without an equal and is used as a safe, reliable and speedy remedy for skin and tissue diseases in general. Recommended and endorsed by leading Physicians. Tested by Dr. Chas. A. Bentz, Laboratory of Pathology, Buffalo University. Unsolicited testimonials 'I am employed by Bureau of Power and Light, City of Los Angeles, and I was badly burned by an explosion in one of the sub stations. I was taken to one of the hospitals, treated by tannic acid and after two weeks I was allowed a shave and the barber used Ku-Rill. I bought a bottle and applied it to my hands, face and arms unknown to doctors. I discovered from its use of same I was able to leave the hospital a week sooner than I would have if I had not used Ku-Rill. Will you kindly send me all the information you have on burns so I may know if I have made a new discovery. Every hospital should use Ku-Rill in treating burns from the experience I have had with same. Mr. Montgomery.' How and when to use * * * As a Skin Rejuvenator—* * * or any skin eruptions. * * * Children dislike medicine, keep them healthy by gargling their throats. Hygienically clean throats prevent diseases contracted through the mouth. * * * I firmly believe it is the best preparation for Skin Diseases on the market today.' * * * 'We have tested A. C. Hynd Ku-Rill in our institution on skin diseases and found it all you claim.' * * * 'I use A. C. Hynd Ku-Rill continually in my practice as a Specialist in diseases of men.' * * * 'in the treatment of eczema * * *' Some of Its Many Uses For * * * Mouth Wash—Sore Mouth, Canker, Pyorrhoea, * * * Ulcers. * * * Sinus Troubles, * * * Granulated eye-lids, * * * Hay fever."

On March 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and the product ordered destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20591. Misbranding of Dr. Pirtle's Germ-Oil. U.S. v. 154 Bottles of Dr. Pirtle's Germ-Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29892. Sample no. 34058-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients, capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On February 27, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 154 bottles of Dr. Pirtle's Germ-Oil at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about January 23, 1933, by the Germ-Oil Co., from Jonestown, Miss., to Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of cottonseed oil, turpentine oil, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle) "Germ-Oil For Kidneys, Bladder And Stomach Troubles Old Sores, * * * for pains about the body, Backache, Sidepleurisy, Cramps, Colic, Toothache, * * * or any Neuralgia or Rheumatic Pains. * * * For worms, * * * For Coughs * * * Germ-Oil"; (carton) "Germ-Oil For * * * Sores on Man or Beast. * * * Piles, Worms in Children, Etc. * * * For Backache, Kidneys, Bladder, Cramps, Colic, Blood Purifier, Stomache Troubles, etc."; (small circular) "For Any Pain About The Head Or Neck * * * Please Do Not Use For Rheumatism Unless You Use Germ Oil and Bathe in Strong Hot Salt Water 11 Times—Once a Day Germ Oil"; (large circular) "We do not claim that Germ-Oil will cure Rheumatism without the help of hot salt water * * * Backache * * * Germ-Oil Directions For Rheumatism * * * Take 12 or 15 Drops on Salt 7 Nights. Apply freely to parts affected. Also take Glass Hot Salt Water every Morning and Bathe in Hot Salt Water daily until relieved. For Backache, Kidneys, Bladder, Cramps, Colic and Blood Purifier.—15 Drops on Sugar at Bedtime for 7 nights, then take as feel the need of it. For * * * Sores on Man or Beast. * * * For Worms in Children. * * * For Coughs * * * For Stomach Troubles.—Take 15 Drops on Sugar at Bedtime for 7 nights, and take after each dose 1 or 2 glasses of Hot Water. For Toothache, * * * Earache, or any Pain about the Head or Neck.—Stop one Nostril with Finger, and Snuff Strong Smell up Each Nostril, and Rub on Place Affected until relieved. * * * Germ-Oil * * * you will find the Germ-Oil has gone through your Entire System, * * * If Germ-Oil does not cure you * * * For Private Disease or Lost Manhood 15 Drops at Bedtime on Sugar, until relieved."

On April 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20592. Misbranding of Ka-Di-Ok compound. U.S. v. 22 Bottles of Ka-Di-Ok Compound. Default decree of condemnation and destruction. (F. & D. no. 29874. Sample no. 32787-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label.

On February 24, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of Ka-Di-Ok compound, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 20, 1933, by LeDure Medicine Co., from Columbus, Ohio, to Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a laxative drug, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label, were false and fraudulent: "General Tonic * * * Intended to Assist in the Treatment of Rheumatism, Kidney, Liver, Indigestion and Stomach Trouble, Loss of Appetite, * * * Bad Blood, Tired Feeling, Sleeplessness, Nervous Disorders and Auto-Intoxication * * * Stimulates or excites the action of the Gastro Peptic glands, causing a more copious exertion of the digestive juices, whose enzymes are vitally necessary to perfect digestion and health. Any serious interference with the digestive process due to catarrhal mucus or excessive fermentation not only greatly retard or inhibit the assimilation of the caloric units from the proteins of the food, but cause acidity, eructations and distress from gas pressure. In aggravated cases the action of both heart and lungs is impeded by this encroachment. Good digestion is absolutely necessary to nutrition, for upon this must depend blood making and all constructive tissue building of bones, nerves and muscles with general strengthening or revitalizing of the body. * * * A cholagogue cathartic increases the action of the liver, which is the strainer or purifier of the blood, when through its increased action more bile is eliminated or thrown into the intestines. The digestion of fats and starches are greatly facilitated; this increases peristaltic action of the intestinal tract, removes from the body that effete or waste material which, if retained, is the cause of Auto-Intoxication or self-poisoning resulting in headache, fever, lassitude or a general depressed feeling."

On April 10, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20593. Misbranding of Piperazine Midy. U.S. v. 9 Bottles and 69 Bottles of Piperazine Midy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29322, 29703. Sample nos. 7843-A, 7846-A.)

Examination of the drug preparation Piperazine Midy disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On November 22 and December 31, 1932, the United States attorney for the District of Puerto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 78 bottles of Piperazine Midy, alleging that the article had been shipped on or about June 29 and November 11, 1932, by E. Fougera & Co., Inc., New York, N.Y., to San Juan, P.R., that it was being sold and offered for sale in Puerto Rico by Serra, Garabis & Co., Inc., of San Juan, P.R., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Piperazine-Midy * * * The Midy Laboratories, Incorporated * * * New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of piperazine hydrochloride, sodium bicarbonate, and tartaric acid.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label and carton, were false and fraudulent: "Indicated in Gout, Lumbago, Sciatica, Gravel, Stone and other manifestations of the Uric Acid Diathesis. Owing to the formation of nascent Sodium Citrate which stimulates hepatic activity, this preparation may be prescribed to control formation of urates. Directions * * * In Chronic Cases 2 to 3 teaspoonfuls a day In Acute Cases 4 to 6 teaspoonfuls a day (Dissolve in one half glass of water)."

On January 10 and February 8, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20594. Misbranding of 4-44 (Four Forty Four). U.S. v. 21 Bottles of 4-44. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29327. Sample no. 7842-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of

producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On November 30, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of 4-44 (Four Forty Four) at San Juan, P.R., alleging that the article was being sold and offered for sale in Puerto Rico by Serra, Garabis & Co., Inc., of San Juan, P.R., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Translation from Spanish) "4-44 (Four Forty Four) * * * Prepared for United Laboratories U.S.A. Arcadio Saldana Distributor San Juan."

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt (26.3 grams per 100 cubic centimeters), small proportions of compounds of calcium, sodium, potassium, and ammonium phosphates, saccharin, sugar, and water, colored with a coal-tar dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the circular, were false and fraudulent: (Circular, translation from Spanish) "4-44 Fountain of Health. A perfect blood contains the following 16 elements: Iron—The carrier of oxygen into the blood. Without iron the red corpuscles become scarce and the patient gets worse. Sulphur—Sulphur combines with calcium for the formation of the bones, teeth and hair. It is also a disinfectant. Calcium—Calcium is essential for the formation of the bones. Children having little calcium content grow thin. Manganese—Manganese promotes a healthy action of the liver and of the female sexual organs. Magnesium—This element avoids excessive acidity in the blood and is necessary for the formation of the bones. Iodine—Iodine is very important for the proper functioning of certain glands especially the thyroids. The lack of iodine may cause gout. Potassium—Every healthy person needs potassium. It is found in the blood and vital fluids. Potassium and phosphorus afford agility to the body. Nitrogen—This is of vital importance for the development of the muscles and nerves. Hydrogen—Another gas is hydrogen that combines itself with carbon in order to form the hydrates, an aliment of great importance. Hydrogen also serves for the formation of the gastric juice needed for digestion. Chlorine—Chlorine and oxygen form the chloric acid, a substance that is found in the stomach and that helps the digestion. Chlorine also combines itself with sodium and forms salt, that also abounds in healthy bodies. Fluorine—Fluorine is a gas. It is needed for smoothing the hair and for the formation of the teeth. It is never found alone, but in combination with other elements. Phosphorus—Phosphorus is necessary for the nerves, brain and bones. Silica—Silica is found in small quantities in all healthy hair, nails and bones. Carbon—Carbon is necessary for maintaining the proper heat of life. When it gets in contact with oxygen, it burns up like a piece of wood thus maintaining the temperature of the body and promoting the health and development of same. Carbon also combines up with hydrogen and oxygen and form the carbohydrates, and with other substances for the formation of fat which is kept by the body to be used later. Sodium—This substance has been described in connection with chlorine. Just like manganese it helps in the control of the acidity of the blood. Oxygen—Oxygen is a gas that when in combination with carbon maintains the temperature of the body. It aids largely in the elimination of the body secretions. We can live hours without the other elements of the blood, but will die if no oxygen is received. The name 4-44 is derived from the fact that it cures 44 diseases, of which constipation is a symptom. This is a reconstituent tonic without a single drop of alcohol. * * * There is nothing in it that will stimulate for a moment and later will cause troubles. 4-44 is a vital fluid that contains all the elements of a healthy blood, therefore, it is able to cover the deficiencies of our modern diets and furnish the system with the necessary elements for making a red pure blood. It has been discovered that diseases are not largely due to contaminated blood as they are to impoverished blood. Disease is not largely due to what there is in the blood as it is to the lack of certain elements very necessary to the health. As a result of many years of experience, 4-44 was improved by a modern chemist of German nationality. This great chemist of the XXth century is a chemist in anatomy, physiology and biology, whose knowledge discovers the most profound secrets of the human body and life. * * * Plainly, he

describes 4-44 as a vital fluid that contains all the elements of the human body combined in such a manner that they may be easily assimilated by the system. It is so perfect that some of these elements can be found in the blood 5 minutes after having taken the first dose. The modern methods of preparing our food tend to eliminate from our meals the vital elements necessary to maintain the blood in perfect condition. The fact that 4-44 is absorbed and assimilated so quickly makes its effect instantaneous, thus producing a vigorous sensation in all the organs of the body. By experience of thousands of cases, we sustain that 4-44 eliminates the cause of stains and cutaneous eruptions from which many persons recover, but within a few days appear with more violence. It has been proved that we do not live from what we eat or digest, but from what we absorb. This fact has extraordinary importance, moreover, when the expelling system is a den of microbes that flourish there abundantly, thus forming toxins that pass into the blood with danger to our health. We should clear that system with 4-44. It offers complete guaranty. Inflammation of the liver is due to impurities of the blood, and this is originated by transformations of the microbes into toxins of the expelling system, whose poisons pass into the blood and produce inflammation of the liver. The affections of the liver are the cause of ulcers, pimples, cutaneous stains, headaches and cases of mental derangement. In our system there are glands that elaborate the liquid part of the blood, glands that produce cells and glands that eat up the toxic substances of the blood; these glands produce uric acid. 4-44 eliminates uric acid, because it unfasts the substances that adhere to the walls of the stomach, clears the kidneys, produces intestinal evacuation, and when producing new blood, the liver recover his normal condition thus leaving all the systems that constitute the body structure completely clean. If you feel weak, bilious, cannot sleep well, and ill after eating, do not hesitate to use 4-44. For rheumatism, indigestion, constipation, troubles of the stomach and kidneys and for any disease due to impurity of the blood, we recommend 4-44. 4-44 liberates you from the poisons of the expelling system and harmonizes the functioning of the osseous, nervous, muscular, digestive and circulatory systems, thus permitting you to breathe without muscular fatigue and even creating better thoughts in your soul. According to the testimonials that we receive daily from physicians and other persons praising this famous medicine, three bottles are sufficient to bring your health back to normal condition. Directions.—Adults should take a table-spoonful in water every two hours, until the intestines function. Then it can be taken two or three times a day before meals. Children according to age.

* * * [Testimonial] * * * for five years I had been suffering from a kind of whitish stains that while growing were covering my skin. Then I started taking 4-44. Since the first bottle I noted a great improvement and after the second they started to disappear until my skin remained as natural as when I was in my teens.’”

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20595. Adulteration and misbranding of Billy B. Van's pine tree ointment. U.S. v. 45 Packages of Billy B. Van's Pine Tree Ointment. Consent decree of condemnation and destruction. (F. & D. no. 29590. Sample no. 16550-A.)

Examination of the drug preparation on which this action was based showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in a circular shipped with the article. Tests of the article disclosed that it was not an antiseptic and germicide, which properties were claimed for it in the labeling.

On December 6, 1932, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 packages of the said Billy B. Van's pine tree ointment, remaining in the original unbroken packages at Newport, N.H., alleging that the article had been shipped in interstate commerce on or about August 15, 1932, by the Commercial Laboratories, Inc., from Newark, N.Y., to Newport, N.H., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum containing small proportions of camphor, menthol, and pine oil, colored with a green dye. Bacteriological examination showed that the article was neither antiseptic nor germicidal.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard or quality under which it was sold, namely, "Antiseptic, germicidal."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Carton) "It is antiseptic, germicidal"; (circular) "The Pine Needle Oil used in Pine Tree Products is secured by the distillation of pine needles which are carefully selected and clipped from the branches of the famous Balsam Pines without injury to the trees. It is then highly refined. Pine Needle Oil contains natural antiseptic qualities which make it a most desirable and efficient remedy. Pine Needle Oil has a most pleasant odor, and will not injure the most delicate tissues of the body, and is recognized as one of the most effective disinfectants, germicides and antiseptics against many groups of pathogens." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "In the treatment of all cases of local inflammation; such as * * * Catarrh, Sore Throat or Congestion, * * * reduces inflammation"; (label) "Also excellent as an alleviative for * * * Congestion, Sore Throat, Catarrh, etc."; (circular) "In the treatment of Eczema, Pimples, Eruptions, * * * Piles, * * * Itch, * * * Key letter following word indicates treatment best suited. Asthma (C) Bronchitis (B & C) Catarrh (B and C) * * * Croup (B and C) Pneumonia (B and C) Sore Throat (B) Whooping Cough (B) * * * Boils (A) Hay Fever (B and C) * * * Eruptions, Pimples."

On December 28, 1932, the Pine Tree Products Co., Newport, N.H., appeared and filed an answer, and a motion to dismiss the libel. On February 10, 1933, the intervenor filed an amended answer admitting the allegations of the libel and consenting to the entry of a decree. On February 14, 1933, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20596. Adulteration and misbranding of Keyser's "Pink" Kold Capsules. U. S. v. Ernest L. Keyser (Keyser Chemical Co.). Plea of nolo contendere. Fine, \$5. (F. & D. no. 27454. I.S. no. 27792.)

This case was based on an interstate shipment of drug capsules which were represented to contain, among other ingredients, $\frac{1}{2}$ grain of salol, and $\frac{1}{2}$ grain of either cinchonine or cinchonidine salicylates. Analysis showed that the article contained less than half the quantity of salol declared, and contained little, if any, cinchonine or cinchonidine salicylate, but did contain a small proportion of undeclared cinchona alkaloid, largely or entirely quinine.

On January 2, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Ernest L. Keyser, trading as Keyser Chemical Co., Roanoke, Va., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 6, 1931, from the State of Virginia into the State of North Carolina, of a quantity of drug capsules that were adulterated and misbranded. The article was labeled in part: "Keyser's 'Pink' Kold Capsules * * * Keyser Chemical Co., Inc., Roanoke, Virginia. * * * Salol Grs. $\frac{1}{2}$ * * * Cinchon, Salicyl Grs. $\frac{1}{2}$."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each capsule was represented to contain $\frac{1}{2}$ grain of salol, and $\frac{1}{2}$ grain of either cinchonine salicylate or cinchonidine salicylate, whereas each of the capsules contained not more than 0.182 grain of salol; contained much less than $\frac{1}{2}$ grain each, if any, cinchonine salicylate or cinchonidine salicylate, and contained approximately $\frac{1}{45}$ grain of a salt of one or more cinchona alkaloids, largely or entirely quinine, not declared as an ingredient.

Misbranding was alleged for the reason that the statements, "Capsules * * * Salol Grs. $\frac{1}{2}$ * * * Cinchon, Salicyl Grs. $\frac{1}{2}$ ", borne on the bottle label, were false and misleading, since the statements represented that the

capsules each contained $\frac{1}{2}$ grain of salol, and $\frac{1}{2}$ grain of either cinchonine salicylate or cinchonidine salicylate, whereas they contained less than $\frac{1}{2}$ grain of salol, they contained less than $\frac{1}{2}$ grain of cinchonine salicylate or cinchonidine salicylate, and did contain a small proportion of a salt of one or more cinchona alkaloids, largely, if not entirely, quinine.

On January 2, 1933, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20597. Adulteration and misbranding of drug tablets. U.S. v. John A. Borneman. Plea of guilty. Fine, \$100. (F. & D. no. 29396. I.S. nos. 43027, 43028.)

This action was based on the interstate shipment of two lots of drug tablets. Analyses showed a shortage of acetphenetidin in one of the products, and a shortage of strychnine sulphate in the other product.

On January 11, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John A. Borneman, Norwood, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 6, 1932, from the State of Pennsylvania into the State of New Jersey, of quantities of drug tablets that were adulterated and misbranded. One product was labeled in part: "50 Acetphenetidin 1 gr. Eupatorium Tr. Bryonia Tr. Gelsemium Tr." The remaining product was labeled in part: "54 Strychnine Sulph 1-60 gr. Strophanthus Tr. 2 drops Digitalis Tr. 2 drops." Both products were further labeled: "John A. Borneman Homeopathic Manufacturing Pharmacist Norwood, Pa."

It was alleged in the information that the articles were adulterated in that they fell below the professed standard and quality under which they were sold, in that the former was represented to contain 1 grain of acetphenetidin, and contained less than so represented, namely, 0.8 grain of acetphenetidin; and the latter was represented to contain 1-60 grain of strychnine sulphate, and contained less than so represented, namely, not more than 1-75 grain of strychnine sulphate.

Misbranding was alleged for the reason that the statements, "Acetphenetidin 1 gr." and "Strychnine Sulph 1-60 gr.," borne on the labels of the respective products, were false and misleading.

On March 20, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20598. Misbranding of Yum for Headache. U.S. v. 477 25-cent and 100 10-cent Boxes of Yum for Headache. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29887. Sample nos. 21593-A, 21594-A.)

Examination of the drug preparation, Yum for Headache, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The label bore a declaration of the phenacetin (acetphenetidin) present in the article, but failed to state that phenacetin is a derivative of acetanilid.

On February 24, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 477 25-cent and 100 10-cent boxes of Yum for Headache, remaining in the original unbroken packages at Hoboken, N.J., alleging that the article had been shipped in interstate commerce, on or about February 8, 1933, by the Ex-Lax Manufacturing Co., from Brooklyn, N.Y., to Hoboken, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Yum * * * Yum Products Corp., Brooklyn, N.Y."

Analysis of a sample of the article by this Department showed that the tablets each contained approximately 2 grains of acetphenetidin (phenacetin), 2 grains of acetylsalicylic acid, and $\frac{1}{3}$ grain of caffeine.

It was alleged in the libel that the article was misbranded in that the label failed to bear a statement of the quantity or proportion of phenacetin (a derivative of acetanilid) contained in the article, in the manner required by the regulations for the enforcement of the Food and Drugs Act, since the state-

ment appearing on the label did not carry the information that phenacetin is a derivative of acetanilid. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (25-cent carton and tin container) "Recommended for the relief of * * * Grippe"; (circular) "Recommended for the relief of * * * Grippe. * * * For * * * Grippe"; (10-cent carton and tin container) "Recommended for the relief of * * * Grippe."

On March 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20599. Misbranding of Q. W. sulphur compound solution U.S. v. Henry Vibert (Q-W Laboratories). Plea of guilty. Fine, \$50. (F. & D. no. 28076. Dom. no. 34037.)

Examination of the Q. W. sulphur compound solution on which this action was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 7, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Henry Vibert, trading as the Q-W Laboratories, Bound Brook, N.J., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about January 12, 1931, from the State of New Jersey into the State of New York, of a quantity of Q. W. sulphur compound solution that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium polysulphide, sodium thiosulphate, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the labels of the bottles containing the article, falsely and fraudulently represented that it was effective as an aid in the treatment of fester sores, raw spots, ringworms, and similar surface skin irritations and wounds; effective as an aid in the treatment of certain forms of eczema due to impure blood and similar disorders in dogs, and to help purify blood and sweeten stomachs of dogs; effective as an aid in the treatment of certain forms of ulcers, fester sores, mouth cankers, sore gums, eruptions, sore feet in humans and other animals; and effective as an aid in the treatment of sores, tears, bites, and scratches of dogs.

The interstate shipment of the product also involved a violation of the Insecticide Act of 1910 (I. & F. no. 1574, N. J. no. 1270), both violations being covered by one information. On May 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 as penalty for violation of both acts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20600. Misbranding of C. L. Sheppard's Magic Liniment. U.S. v. Clark Locy Sheppard (C. L. Sheppard Sanatorium & Remedy Co.). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 29359. I.S. no. 52246.)

Examination of the drug preparation, C. L. Sheppard's Magic liniment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with it.

On January 23, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Clark Locy Sheppard, trading as C. L. Sheppard Sanatorium & Remedy Co., Findlay, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 27, 1931, from the State of Ohio into the State of Indiana, of a quantity of the said C. L. Sheppard's Magic liniment that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of a light petroleum oil containing a small proportion of turpentine oil.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the labels of the bottles and cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatic pains, toothache, stiff joints, swellings, croup, asthma (quinsy), diphtheria, erysipelas, colic, cramp, sore throat and bronchitis, croup, paralysis, tumors, boils, carbuncles, ulcers, gathered or broken breast, old sores of all kinds, catarrh, sore feet, chilblains, la grippe, rheumatism, corns, bunions, hard corns, hard bunions; effective as a treatment for ailments of the throat and internal organs; effective to free the system from disease; and effective as being beneficial in cleansing cancers of long standing and relieving the pain thereof. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing in an accompanying circular, falsely and fraudulently represented that it was effective as a magic healer; effective as a treatment, remedy, and cure for cough, breaking out over the breast, itching of the breast, swellings of the neck, sore throat, enlarged gland on right breast and injury to sciatic nerve; effective to prevent infection of burns, cuts, abrasions, contusions, insect bites, and lacerations; effective to quickly overcome infection in old sores, abscesses, boils, tonsillitis, quinsy, and erysipelas; effective as a relief for lumbago and the stiffness of joints in old cases of articular rheumatism; and effective to have special action in certain types of goiter, to reduce the enlargement of the thyroid gland and to relieve the symptoms of nervousness, rapid pulse rate, and tremor of the hands. Misbranding was alleged for the further reason that the statement, "Guaranteed * * * under Pure Food and Drug Act, June 30, 1906", borne on the bottle label, was false and misleading, since the said statement represented that the article was guaranteed to conform to the requirements of the Food and Drugs Act of June 30, 1906, whereas it did not.

On January 30, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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¹ Contains instructions to the jury and a decision of the court.

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20601-20725

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 20, 1934]

20601. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Product ordered released under bond. (F. & D. no. 29154. Sample no. 14605-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 7, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Western Creamery Co., Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about October 3, 1932, from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "From Western Creamery Company, Salt Lake City, Utah, to South Gate Public Market, Los Angeles, Calif."; (prints) "Meadow Brook Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statement, "Butter" on the label, was false and misleading, since the article contained less than 80 percent of milk fat.

On November 12, 1932, the Western Creamery Co., Salt Lake City, Utah, filed an answer admitting the allegations of the libel and praying release of the product to be reworked or sold to the baking or other manufacturing trade. On the same date the claimant having filed a good and sufficient bond conditioned that the butter would not be disposed of contrary to the Federal Food and Drugs Act, judgment was entered ordering the product released. On November 30, 1932, the terms of the bond having been complied with, an order was entered making the release permanent, and ordering that the bond be exonerated and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20602. Adulteration of apples. U. S. v. 840 Boxes of Apples. Product released under bond. (F. & D. no. 29615. Sample no. 24350-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On November 22, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 840 boxes of apples, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been

shipped in interstate commerce on or about November 12, 1932, by Pacific Fruit & Produce Co., from Yakima, Wash., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box label) "Orchard Run Rome Beauty Packed & shipped Pacific Fruit & Produce Co., Yakima, Wn."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On November 22, 1932, the International Fruit Distributors, Los Angeles, Calif., having filed a claim and answer admitting the allegations of the libel and having filed a cash bond in the sum of \$600, conditioned that the product would not be disposed of in violation of the Federal Food and Drugs Act, judgment was entered ordering that the apples be released to the claimant. On November 29, 1932, the product having been brought into compliance with the law, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20603. Adulteration of butter. U. S. v. Stewartville Cooperative Creamery Association. Plea of guilty. Fine, \$40. (F. & D. no. 28121. I.S. no. 28766.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On January 24, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Stewartville Cooperative Creamery Association, a corporation, Stewartville, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 16, 1931, from the State of Minnesota into the State of Illinois, of a quantity of butter that was adulterated. The article was labeled in part: (Carton) "Ayrshire Brand * * * Creamery Butter sold by H. C. Christians Co., Johnson Creek, Wis."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On January 24, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20604. Adulteration of apples. U. S. v. 166 Boxes of Apples. Product released under bond. (F. & D. no. 29729. Sample no. 18039-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On November 21, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 166 boxes of apples at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about November 5, 1932, by Quick & Harris Co., from Yakima, Wash., to Great Falls, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On December 16, 1932, Devine & Asselstine, Inc., Great Falls, Mont., claimant, having admitted the allegations of the libel, judgment was entered by the court ordering delivery of the property to the said claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the product should not be sold or disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20605. Adulteration of canned frozen whole eggs. U. S. v. 23,000 Cans of Frozen Whole Eggs. Product released under bond; decomposed portion ordered destroyed or denatured. (F. & D. no. 29650. Samples nos. 20503-A to 20525-A, incl.)

This action was based on the interstate shipment of quantities of canned frozen whole eggs that were in part decomposed.

On November 21, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23,000 cans of frozen whole eggs, remaining in the original and unbroken packages at Jersey City, N. J., alleging that the article had been shipped in interstate commerce in various consignments between the dates of March 2 and April 6, 1932, inclusive, by Miles Friedman, Inc., from Chicago, Ill., to Jersey City, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Fancy Whole Eggs."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

The Seaboard Terminal & Refrigeration Co., Jersey City, N. J., filed a claim and answer; admitting the allegations of the libel and consenting to the entry of a decree condemning the product. On December 7, 1932, judgment was entered, ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$90,000, conditioned in part that it be examined and sorted to separate the good from the bad, and that the cans containing decomposed eggs be destroyed or that they be denatured and used for technical purposes.

R. G. TUGWELL, Acting Secretary of Agriculture.

20606. Adulteration of mustard seed. U. S. v. 40 Sacks of Mustard Seed. Default decree of destruction. (F. & D. no. 29003. Sample no. 6132-A.)

This action involved the interstate shipment of a quantity of mustard seed that was found to contain insect excreta.

On October 7, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 sacks of mustard seed at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 22, 1932, by the Barkemeyer Seed Co., from Great Falls, Mont., to Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On December 29, 1932, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20607. Adulteration of apples. U. S. v. 810 Boxes of Apples. Claim and answer filed. Product released under bond. (F. & D. no. 29715. Sample no. 25828-A.)

This action involved an interstate shipment of apples that were found to bear arsenate of lead in an amount which might have rendered the article injurious to health.

On October 22, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 810 boxes of apples at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about October 14, 1932, by the F. O. Renn Fruit Co., from Brewster, Wash., to Butte, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Combination Ex Fancy & Fancy, Delicious Min. * * * Grown by A. C. Campbell, Chelan, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, in an amount which might have rendered the article injurious to health.

On December 1, 1932, Sweet Bros., Inc., Butte, Mont., claimant, having filed an answer admitting the allegations of the libel and praying release of the

property, judgment was entered ordering that the apples be delivered to the said claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that they should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20608. Adulteration of apples. U. S. v. 814 Boxes of Apples. Claim and answer filed. Product released under bond. (F. & D. no. 29894. Sample no. 18046-A.)

This action involved the interstate shipment of apples that were found to bear arsenic in an amount which might have rendered them injurious to health.

On November 29, 1932, the United States attorney for the District of Montana, acting upon a report by the State Board of Health of Montana, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 814 boxes of apples at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about November 3, 1932, by T. A. Jones, from Dayton, Wash., to Butte, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Grown by Harry F. Kennedy, Dayton, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered the article injurious to health.

On December 10, 1932, George W. Gates and Edwin Winters, copartners, Butte, Mont., claimants, filed an answer admitting the allegations of the libel and praying release of the property. Judgment was entered ordering delivery of the product to claimants upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the apples should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20609. Adulteration of butter. U. S. v. Arthur J. Nelson and Herbert C. Loehndorf (Bagley Creamery). Plea of guilty. Fine, \$10. F. & D. no. 28042. I. S. no. 40588.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On July 8, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Arthur J. Nelson and Herbert C. Loehndorf, copartners, trading as the Bagley Creamery, Bagley, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 5, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

On December 5, 1932, a plea of guilty was entered to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20610. Adulteration of canned pumpkin. U. S. v. 299 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29191. Sample no. 20365-A.)

This action involved the interstate shipment of a quantity of canned pumpkin, samples of which were found to be unsterile and decomposed.

On November 4, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 299 cases of canned pumpkin, remaining in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about September 30, 1932, by William Laning & Son Co., from Bridgeton, N. J., to Wilkes-Barre, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, Cumberland Co. N. J."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20611. Adulteration of eggs. U. S. v. 57 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29174. Sample no. 7841-A.)

This action involved the shipment of a quantity of eggs, examination of which showed the presence of decomposed eggs.

On November 1, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 57 cases of eggs, remaining in the original and unbroken packages at San Juan, P. R., alleging that the article had been shipped on or about September 24, 1932, from Galveston, Tex., to San Juan, P. R., by J. H. McLeaish & Co., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 10, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20612. Adulteration of canned salmon. U. S. v. 385 Cases, and 150 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation of and denaturing the decomposed portion. (F. & D. no. 29122. Sample nos. 22553-A to 22558-A, incl.)

This action involved the interstate shipment of quantities of canned salmon that was found to be in part decomposed.

On October 26, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 535 cases of canned salmon, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped on or about September 9, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Richmond, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Spot Lite Brand Pink Salmon * * * C. F. Buelow Company, Incorporated, Seattle, U. S. A."; "Home Spun Brand Pink Alaska Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 8, 1932, Robert M. Smith & Co., Richmond, Va., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that a portion of the salmon was not adulterated, ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the decomposed portion be segregated and denatured so that it could not be used for food purposes.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20613. Adulteration of canned salmon. U. S. v. 398 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. nos. 29287, 29288. Sample nos. 16176-A, 16177-A, 16249-A, 16250-A.)

This action involved the interstate shipment of quantities of canned salmon, samples of which were found to be decomposed.

On November 11, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 398 cases of canned salmon at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about September 17, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Omaha, Nebr., and charging

adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Spot Lite Brand Pink Salmon * * * C. F. Buelow Co. Inc., Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 4, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20614. Adulteration of cauliflower. U. S. v. 7 Crates, et al., of Cauliflower. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29268, 29639. Sample nos. 18876-A, 18880-A.)

These actions involved the interstate shipment of two lots of cauliflower that bore poisonous or deleterious ingredients in amounts which might have rendered the article injurious to health, one lot having been found to bear arsenic, and the other arsenic and lead.

On or about October 20 and October 29, 1932, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 7 crates and 2 crates of cauliflower, remaining in the original packages at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about October 6 and October 12, 1932, by the Hartner Produce Co., from Denver, Colo., to Fort Worth, Tex., and charging adulteration in violation of the Food and Drugs Act. Twenty crates of cauliflower were seized under the 2 libels, 7 under the former and 13 under the latter.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients which might have rendered the product injurious to health, namely, arsenic in one lot and arsenic and lead in the other.

On January 3, 1933, the Bergman Produce Co. Fort Worth, Tex., having appeared and consented to the destruction of the goods and no other claim having been interposed, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20615. Alleged adulteration and misbranding of tomato paste. U. S. v. 469 Cases of Tomato Paste. Appearance and claim entered. Tried to a jury. Verdict for claimant. Libel dismissed and product ordered released to claimant. (F. & D. no. 28769. Sample no. 13396-A.)

This case involved an interstate shipment of a product, sold as tomato paste, that consisted of a tomato product that had not been concentrated to the consistency of a paste, and that contained less than 22 percent of tomato solids.

On August 22, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 469 cases of tomato paste remaining in the original unbroken packages at New Orleans, La. On January 24, 1933, the libel was corrected by amendment. It was alleged in the amended libel that the article had been shipped in interstate commerce on or about July 13 and July 16, 1931, by Angelo Glorioso, from Crystal Springs, Miss., to New Orleans, La., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Eltoro Brand Color Added Tomato Paste." A portion was further labeled: "Packed * * * By Angelo Glorioso, Crystal Springs, Miss."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste.

It was further alleged in the libel that the statement on the label, "Tomato Paste", was false and misleading and deceived and misled the purchaser, and that the article was offered for sale under the distinctive name of another article.

A. Glorioso, Crystal Springs, Miss., entered an appearance and filed a claim and answer admitting the interstate shipment but denying the adulteration and misbranding charges.

On February 1, 1933, the case came on for trial before a jury, the Government and the claimant introducing evidence as to the meaning of the term "Tomato Paste." The case was submitted to the jury on the misbranding charges, the court delivering the following instructions (Grubb, J.):

"Gentlemen of the jury, this case originated in the seizure of 469 cases of tomato paste. It is brought by the Government against the cases themselves, and Mr. Glorioso who shipped the cases from Mississippi here in interstate commerce, made a claim to the cases, and therefore he is really the interested party on the other side; the Government on one side and he on the other.

"There is no dispute that the shipment was in interstate commerce from Mississippi to Louisiana, and therefore the pure food law which applies to interstate shipments applies here, because it was shipped from one State to another.

"Now, the pure food law, among other things, provides against the misbranding of any food products, and one kind of misbranding is identified to be the labeling of an article with a distinctive name that is different from the article that bears the distinctive name, and that is the kind of misbranding that is claimed by the Government to have existed here. If it did exist, then the Government was right in seizing the food products as misbranded and it should be condemned to the Government. If it was not misbranded, then it should be returned to the claimant, and it is your purpose to decide whether or not it was or was not misbranded in the sense I have indicated, and which is all that the Government claims, namely, that under the article that had a distinctive name, a label was put on this article that was different from the article that had a distinctive name.

"Now, applying that to this case, Mr. Glorioso says his label to the public was that this is tomato paste, and the charge for it was for tomato paste, that he acted within that classification, therefore there was no misbranding. If it was not tomato paste, but some other article that he sold for tomato paste, then it was misbranded.

"Tomato paste has a distinctive name, and no article should be shipped under that label in interstate commerce declaring it to be tomato paste if it was not tomato paste. We will apply that to Mr. Glorioso's article, as that is the one that was seized and the one that has been exhibited to you. If that article was tomato paste, then it was not misbranded and he should have his cases back. If it was misbranded, then the Government was right in seizing it and it should be condemned to the Government, therefore you have to determine whether his article was tomato paste or not.

"Now, in April 1932 the Government, through the pure food department, declared that to be tomato paste the article must have certain density, say 22 percent. This article did not have that density. However, that regulation does not apply, because while this article was seized after this regulation went into effect, it is stipulated it was manufactured and shipped into interstate commerce before this regulation went into effect, so you will determine the article, not by the regulation, but by the course of trade, custom of trade in the pure food business.

"If, according to that custom, it was tomato paste at the time of the shipment, according to the usage in the trade, including the thin article as well as the thick article, that its quality might have been different, but the identity of the two articles the same, the thin stuff and the thick stuff, then there would be no use of the label in describing the food product that would deceive the public.

"If, according to the usage in the trade, the consuming public relying on the label, had included in the definition of tomato paste, both the thick and the thin commodity, then the label would not be deceiving and would probably describe the contents of the container, and there would not be the shipping of an article that had a distinctive name to cover an article of a different identity.

"On the other hand, if you believe, according to the Government's contention and according to their evidence that the name tomato paste had become in the trade limited, and was at the time of the shipment of the 469 cases and the manufacture of them, limited to the thick paste, that is, according to

the Government's contention when applied to that, that it would not pour from the can but had to be spooned out, and nothing else was tomato paste but that, and the thin stuff was not tomato paste and was so understood in the trade, so that the buyer of the commodity when he bought a can labeled tomato paste would expect not to get the thin article but only the thick article, then that would be a misbranding, because that would be the use of a distinctive name for an article different from that requiring the distinctive name. Tomato paste would be the thick stuff in that event, and if they shipped the thin stuff for tomato paste that would be the use under the law of a distinctive name for an article when the article contained under the label was a different one altogether. Now, that is what you have to determine from the evidence.

"If you believe both the thick and the thin required the name of tomato paste so the buying public would understand when they got a can with tomato paste on it, they were buying either thick or thin, the word 'tomato paste' covered both the thick and thin, then there would be no misbranding.

"On the other hand, if the Government's contention and your conception of the evidence is borne out that tomato paste means only thick and not to pour out, then that would be a misbranding, and in that event you would find for the Government and condemn the cases to it under the libel.

"If you find for the Government, which is the plaintiff in the case, your verdict would be: 'We, the jury, find for the plaintiff.' If you find for the claimant, Mr. Glorioso, who has intervened as claimant for the 469 cases, then your verdict would be: 'We, the jury, find for the claimant.'"

On February 1, 1933, the jury returned a verdict for the claimant and in accordance therewith the court ordered that the libel be dismissed and the product returned to the claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20616. Adulteration of dressed poultry. U. S. v. Fred M. Priest, Leo M. Priest, and Claude M. Priest (F. M. Priest & Sons). Plea of guilty. Fine, \$75. (F. & D. no. 29406. I. S. no. 53008.)

This action was based on the interstate shipment of dressed poultry, some of which was diseased and otherwise unfit for food.

On January 17, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against Fred M. Priest, Leo M. Priest, and Claude M. Priest, copartners, trading as F. M. Priest & Sons, St. James, Minn., alleging that the said defendants had delivered to a firm at Butterfield, Minn., on February 16, 1932, for shipment from Butterfield, Minn., to Chicago, Ill., one barrel of dressed poultry that was adulterated in violation of the Food and Drugs Act. The article was invoiced as dressed poultry.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy and decomposed animal substances; in that it consisted of portions of animals unfit for food; and in that it was a product composed in part of diseased animals.

On January 18, 1933, a plea of guilty was entered to the information, and the court imposed a fine of \$75.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20617. Adulteration of canned salmon. U. S. v. 648 Cases of Canned Salmon. Decree of condemnation. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 29162. I. S. no. 16756-A.)

This action was based on the interstate shipment of canned salmon, samples of which were found to be decomposed.

On November 3, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 648 cases of canned salmon, remaining in the original unbroken packages at Austin, Tex., alleging that the article had been shipped in interstate commerce on or about September 11, 1932, by McGovern & McGovern, from Seattle, Wash., to Austin, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "McGovern's Best Brand Pink Alaska Salmon * * * Distributed by McGovern & McGovern, Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 28, 1933, the Standard Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the law. The decree further provided that the product might be shipped to Seattle, Wash., for examination, and that all portions found unfit for human consumption be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20618. Adulteration of canned salmon. U. S. v. 3,820 Cases and 9,990 Cases of Salmon. Portions of product released unconditionally. Remainder condemned and forfeited and released under bond for separation and destruction of unfit portion. (F. & D. nos. 28943, 29015. Sample nos. 14837-A, 14840-A, 25876-A, 25882-A, 25886-A, 26039-A.)

These actions involved two shipments of canned salmon, unlabeled but bearing various distinguishing codes. Examination of these lots showed the presence of decomposed salmon.

On September 21 and October 11, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid two libels praying seizure and condemnation of 3,820 cases and 9,990 cases, respectively, of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in part on or about August 23, 1932, from George Inlet, Alaska, and in part on or about July 25, 1932, from Lockanok, Alaska, by Libby, McNeil & Libby into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

Libby, McNeill & Libby, Seattle, Wash., appeared as claimant in both cases. On January 6, 1933, the allegations of the libel covering the 3,820-case lot having been admitted, judgment of condemnation and forfeiture was entered in the said case, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the decomposed portion be segregated and destroyed. On February 16, 1933, a decree was entered in the case covering 9,990 cases of the product, ordering that portions be released unconditionally and that the remainder, consisting of 1,552 cases and 26 cases, be condemned and forfeited and released under bond for examination of the lot, and destruction of all adulterated salmon.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20619. Adulteration of canned salmon. U. S. v. 200 Cases of Canned Salmon. Product ordered released under bond. (F. & D. no. 29248. Sample no. 30706-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On November 7, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned salmon at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about October 5, 1932, by Burrington, Case & Gibson, from Seattle, Wash., to Havre, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Ocean Spray Brand Alaska Pink Salmon * * * Packed for Fishermen's Packing Corporation Everett, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On January 11, 1933, F. A. Buttrey Co., Havre, Mont., claimant, having admitted the allegations of the libel, judgment was entered ordering release of the product to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20620. Adulteration of canned shrimp. U. S. v. 400 Cases of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29592. Sample no. 12499-A.)

This action involved an interstate shipment of canned shrimp that was in part decomposed.

On December 6, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 400 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 16, 1932, by J. O. Massenburg, Charleston, S. C., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On January 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20621. Adulteration of canned salmon. U. S. v. 550 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 29290. Sample no. 26760-A.)

This action involved a shipment of canned salmon identified by various codes. Samples taken from certain of the codes were found to be decomposed.

On November 12, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 550 cases of canned salmon, remaining in the original packages at Owensboro, Ky., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by C. F. Buelow Co., from Seattle, Wash., to Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Pink Salmon * * * C. F. Buelow Company, Incorporated, Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 31, 1933, the Koll Grocery Co., Owensboro, Ky., having appeared as claimant for the property and having consented to the entry of a decree, judgment or condemnation was entered and it was ordered by the court that certain codes that were not in violation of the law be separated and released, and that the remainder be released under bond in the sum of \$2,000, conditioned that they should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws. It was further ordered that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20622. Adulteration of canned salmon. U. S. v. 199 Cases, et al., of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 29291. Sample nos. 16178-A, 16179-A, 16180-A.)

This case involved an interstate shipment of three lots of canned salmon that was in part decomposed.

On November 11, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 327 cases of canned salmon at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about August 12, 1932, by the Oceanic Sales Co., from Seattle, Wash., to Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was unlabeled. The remainder was labeled: "Yellowstone [or "Windmill"] Brand Red Alaska Sockeye Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 4, 1933, no claimant having appeared for the property, judgment of condemnation was entered and was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20623. Adulteration and misbranding of rye flour. U. S. v. 350 Sacks of Rye Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29314. Sample no. 20488-A.)

This case involved an interstate shipment of rye flour that was artificially bleached and contained benzoyl peroxide or its residue, benzoic acid.

On November 23, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 350 sacks of rye flour, remaining in the original packages at St. George, Staten Island, N.Y., alleging that the article had been shipped in interstate commerce, on or about September 25, 1932, by the Duluth Superior Milling Co., from Duluth, Minn., into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Duluth Superior Milling Co., Pure Imperial White Rye Flour 1 Duluth Minn."

It was alleged in the libel that the article was adulterated in that artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for the article.

Misbranding was alleged for the reason that the label of the article represented that it was pure rye flour, whereas it was not.

On January 4, 1933, the Standard Milling Co., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled by stenciling on each sack the words "Bleached With Benzoyl Peroxide."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20624. Adulteration and misbranding of gray wheat shorts. U. S. v. 200 Sacks of Gray Wheat Shorts. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 29321. Sample no. 16971-A.)

This action involved a product, sold as gray wheat shorts, that was found to contain excessive bran tissue, added sand, and screenings, and more fiber than was declared on the label.

On November 19, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 sacks of gray wheat shorts, remaining in the original unbroken packages at Mexico, Mo., alleging that the article had been shipped in interstate commerce by the Crete Mills, on or about October 29, 1932, from Crete, Nebr., to Mexico, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gray Wheat Shorts. Manufactured by the Crete Mills, Crete, Nebr., Guaranteed Analysis * * * Fibre not more than six percent."

It was alleged in the libel that the article was adulterated in that a product containing excessive bran tissue, added sand, screenings, and excessive fiber had been substituted for gray shorts.

Misbranding was alleged for the reason that the statements on the label, "Gray Wheat Shorts * * * Guaranteed Analysis * * * Fibre not more than 6.00%", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 24, 1933, the Crete Mills, Crete, Nebr., claimant, having consented to the entry of a decree and having executed a bond in the sum of \$300 to insure compliance therewith, judgment of condemnation was entered and it was ordered by the court that the bond be approved and that the product be released to the claimant to be relabeled under the supervision of this Department, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20625. Adulteration of walnuts. U. S. v. 48 Bags and 133 Bags of Walnuts. Libel dismissed as to portion. Remainder condemned and released under bond. (F. & D. nos. 29331, 29534. Sample nos. 15725-A, 24012-A.)

These actions involved the interstate shipment of quantities of walnuts that were found to be in part decomposed, wormy, and moldy.

On November 23, 1932, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 48 bags and 133 bags of walnuts, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 22, 1932, by the C. C. Collins Co., from Santa Ana, Calif., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Walnuts Packed by C. C. Collins Co., Santa Ana, Calif." A portion was further labeled "Calnut Brand."

It was alleged in the libels that the article was adulterated in that a portion consisted in part of a decomposed vegetable substance, and the remainder consisted in part of a filthy and decomposed vegetable substance.

On December 9, 1932, claimant having appeared and consented to the entry of a decree in the case involving 48 bags of the product, judgment of condemnation was entered and it was ordered by the court that the said 48 bags be released under bond for separation and destruction of the unfit nuts. The libel involving 133 bags of walnuts was ordered dismissed as to all but 19 bags. On January 11, 1933, the C. C. Collins Co., Santa Ana, Calif., having appeared as claimant for the 19 bags, the court ordered that they be condemned and released under bond for separation and destruction of the unfit nuts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20626. Adulteration of canned salmon. U. S. v. 98 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28978. Sample no. 25018-A.)

This action involved the shipment of a quantity of canned salmon, a large portion of which was tainted or stale.

On September 30, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about August 15, 1932, by the Bristol Bay Packing Co., from Kvichak, Alaska, to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20627. Misbranding of black pepper. U. S. v. 110 Dozen Tins of Black Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28877. Sample no. 6886-A.)

Sample cans taken from the shipment of black pepper involved in this case were found to contain less than the declared weight.

On September 7, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 110 dozen tins of black pepper, remaining in the original and unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 17, 1932, by the Hudson Tea & Spice Co., Inc., from Brooklyn, N. Y., to St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Tin) "Hudson Brand Pure Black Pepper * * * 1¼ Oz. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement, "1¼ Oz. Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that

the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20628. Adulteration of canned salmon. U. S. v. 199 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. nos. 29132, 29180, 29249. Sample nos. 27322-A, 27324-A, 27374-A.)

These actions involved interstate shipments of canned salmon, samples of which were found to be decomposed.

On October 28, November 2, and November 7, 1932, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,116 cases of canned salmon, remaining in the original unbroken packages, in part at Rochester, N. Y., and in part at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 10 and August 25, 1932, by McGovern & McGovern, from Seattle, Wash., into the State of New York, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Storm Brand Red Alaska Salmon * * * Distributed by McGovern & McGovern, Seattle." The remainder was labeled in part: "Warrior Brand * * * Alaska Red Salmon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 19, 1932, the Bristol Bay Packing Co., San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$7,500, conditioned that the unfit portion be separated from all lots and destroyed or denatured under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20629. Misbranding of canned sauerkraut and canned lima beans. U. S. v. 26 Cases and 6 Cases of Canned Sauerkraut; and 10 Cases of Canned Lima Beans. Consent decrees of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. nos. 28775, 28776, 28777. Sample nos. 2160-A, 2161-A, 2167-A.)

These actions involved interstate shipments of two lots of canned sauerkraut, and one lot of canned lima beans. Sample cans taken from each of the lots were found to contain less than the declared weights.

On August 30, 1932, the United States attorney for the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 26 cases of canned sauerkraut at Casper, Wyo., and 6 cases of canned sauerkraut and 10 cases of canned lima beans at Cheyenne, Wyo., consigned by the McCord Brady Co., in part from Kearney, Nebr., and in part from Omaha, Nebr. It was alleged in the libels that the articles had been shipped in interstate commerce between the dates of August 28, 1931 and July 5, 1932, from the State of Nebraska into the State of Wyoming; that they remained in the original unbroken packages, and that they were misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "J. M. Brand Sauerkraut Contents 1 Lb. 1 Oz."; "M. B. Lima Beans Contents 1 Lb."

Misbranding of the article was alleged for the reason that the statements, "1 Lb. 1 Oz." and "1 Lb.", were false and misleading and deceived and misled the purchaser, since the cans contained less than the amounts stated. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and correctly stated on the labels, since the statements made were incorrect.

On October 17, 1932, Brown Bros. Brokerage Co., a Colorado corporation, claimant, having admitted the allegations of the libels and having consented to

the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$300, conditioned that they be relabeled to show the correct weights.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20630. Adulteration and misbranding of tomato catsup. U. S. v. Greenabaum Bros., Inc. Plea of guilty. Fine, \$400. (F. & D. no. 28169. I. S. nos. 42112, 42613, 42614, 43844, 49385, 49386.)

The adulteration charged in this case was based on a finding of excessive mold in samples taken from all lots. The misbranding charges were based on short weight found in two of the brands; the statements appearing on the labels of the said brands that the article was made of carefully selected stock; and the statement on the labels of all lots, with one exception, that the article complied with the pure food laws.

On December 22, 1932, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Greenabaum Bros., Inc., a corporation, Seaford, Del., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of September 26, 1931 and February 19, 1932, from the State of Delaware into the States of Maryland, New Jersey, and New York, of quantities of tomato catsup that was adulterated; and which, with the exception of one lot, was also misbranded. One shipment of the article was contained in cans labeled in part: "Ribbon Brand Guaranteed Pure and to Comply with all U. S. Food Laws Tomato Catsup Distributed by Frey & Son, Inc., Baltimore, Md." The labels of the bottles and cans in one shipment bore the statements, "Ideal Tomato Catsup, Wilkinson, Caddis & Co., Distributors, Newark, New Jersey"; the bottle labels bearing the further statement, "Guaranteed to comply with the Pure Food Laws." Two of the lots described as Tulip Brand or Ward Fancy bore on the labels, "Tomato Catsup, Distributed by Weidman, Ward & Co., Inc., Albany, N. Y. Guaranteed Pure and to comply with all U. S. Food Laws. Made from carefully selected whole tomatoes"; the Tulip brand being further labeled, "Contents 14 Ounces"; and the Ward Fancy labels bearing the statement "Contents 14 Oz."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged with respect to all lots, with one exception, for the reason that the statements borne on the labels, "Guaranteed Pure And To Comply With All U. S. Food Laws", or "Guaranteed to Comply with The Pure Food Laws", were false and misleading and deceived and misled the purchaser, since the article did not comply with the Federal Food and Drugs Act. Misbranding was alleged with respect to the Tulip and Ward Fancy brands for the further reason that the statements on the labels, "Contents 14 Ounces [or "14 Oz.]" Made from Carefully Selected Whole Tomatoes * * * Fancy Tomato Catsup", were false and misleading and deceived and misled the purchaser, since certain of the bottles in each of the said brands contained less than 14 ounces, and the article was not made from carefully selected whole tomatoes. Misbranding of the said Tulip and Ward Fancy brands was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made on the labels was incorrect.

On January 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20631. Adulteration of canned frozen eggs, and adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$150. (F. & D. no. 29344. I. S. nos. 50623, 53331, 53336.)

This case was based on an interstate shipment of a product represented to be canned whole mixed eggs, which was found to contain excessive whites; and of a shipment of butter which was found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 28, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Swift & Co., trading at Omaha, Nebr., alleging shipment by said company in violation of the Food

and Drugs Act, from the State of Nebraska into the State of Illinois, on or about December 12, 1931, of a quantity of a product purporting to be canned frozen mixed whole eggs, which was adulterated, and on or about March 11, 1932, of a quantity of butter that was adulterated and misbranded. The eggs were billed as frozen eggs, and were labeled in part, "Mixed." The butter was labeled in part: "Glenwood Creamery Butter * * * Distributed by Swift & Company * * * Chicago, U.S.A."

Adulteration of the canned frozen eggs was alleged in the information for the reason that egg whites, in excess of the normal amount contained in mixed whole eggs, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for mixed whole eggs, which the article purported to be.

Adulteration of the butter was alleged for the reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1933, which the article purported to be.

Misbranding of the butter was alleged for the reason that the statement "Butter", borne on the cartons, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On January 30, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20632. Misbranding of butter. U. S. v. Western Meat Co. Plea of guilty. Fine, \$200. (F. & D. no. 29343. I. S. no. 32722.)

This case was based on a shipment of print butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

At the November 1932 term of court, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Western Meat Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 16, 1932, from the State of California, to Honolulu, Hawaii, of a quantity of butter that was misbranded. The article was labeled in part: "'Fort Sutter' Brand Butter * * * Net Weight 1 Lb. Distributed by Western Meat Co."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb.", borne on the cartons, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of a large number of the said cartons contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On January 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20633. Adulteration of canned salmon. U. S. v. 500 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. no. 29549. Sample no. 18430-A.)

This action involved an interstate shipment of canned salmon, that was in part decomposed.

On or about December 9, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 500 cases of canned salmon, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about September 8, 1932, by the Oceanic Sales Co., from Seattle, Wash., into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue and White Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 6, 1933, the Superior Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be inspected and the portion found unfit for human consumption be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20634. Adulteration of figs. U. S. v. 10 Cases and 20 Cases of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29578. Sample nos. 25980-A, 25981-A.)

This case involved quantities of figs that were in part insect-infested and moldy.

On December 3, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by H. J. Giebelers, in part on or about October 15, 1932, from San Francisco, Calif., and in part on or about October 15, 1932, from San Francisco, Calif., and in part on or about November 16, 1932, from Merced, Calif., and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled; "Giebeler's White California Figs." The remainder was labeled; "White California Figs * * * Packed By Giebeler's Fig Gardens Merced, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed and filthy vegetable substance.

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20635. Adulteration of canned tomato catsup. U. S. v. 166 Cases, et al., of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 28991. Sample nos. 10478-A, 10479-A.)

This action involved the shipment of a quantity of canned tomato catsup which contained excessive mold.

On October 3, 1932, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 227 cases of canned tomato catsup, remaining in the original unbroken packages at Meriden, Conn., alleging that the article had been shipped in interstate commerce on or about May 18, 1932, by Francis H. Leggett & Co., Inc., from Landisville, N. J., to Meriden, Conn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Unicorn Brand Tomato Catsup * * * Francis H. Leggett & Co. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 30, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20636. Adulteration and misbranding of canned shrimp. U. S. v. 45 Cases and 73 Cases of Canned Shrimp. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29178, 29179. Sample nos. 20389-A, 20390-A.)

These cases involved an interstate shipment of two lots of canned shrimp that were in part decomposed. One of the lots was short weight and also fell below the standard of fill of container established by this Department, and was not labeled with a statement to show that it was slack filled.

On November 2, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of two lots consisting of 45 cases and 73 cases, re-

spectively, of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa. It was alleged in the libels that the article had been shipped in interstate commerce on or about August 19, 1932, by the Nassau Packing Co., Inc., from Jacksonville, Fla., to Philadelphia, Pa.; that it was adulterated in violation of the Food and Drugs Act; and that a portion was also misbranded in violation of said act as amended. The two lots of the article were labeled, respectively: (Cans) "Ponce de Leon Brand Nassau Shrimp Packed by Nassau Sound Packing Co., Jacksonville, Fla. Net Weight Wet Pack 5¼ Ozs."; "St. Johns Brand Fresh Shrimp Wet Pack * * * The Nassau Sound Packing Co., Inc., Nassauville, Fla."

Adulteration of both lots of the article was alleged for the reason that it consisted in part of a decomposed animal substance.

Misbranding was alleged with respect to the 45-case lot for the reason that the statement on the label, "Net Weight * * * 5¼ ozs.", was false and misleading and deceived and misled the purchaser; for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement was incorrect; and for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since it was slack filled and did not bear a plain and conspicuous statement indicating that it was slack-filled.

On January 19, 1933, the allegations of the libels being uncontested by the sole intervenor, the Nassau Packing Co., Inc., judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20637. Adulteration of crab meat. U. S. v. 97 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30855. Sample no. 50053-A.)

This case involved an interstate shipment of crab meat that was found to contain filth.

On July 22, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 97 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by Rollins-Carmines Co., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20638. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$1,200. (F. & D. no. 29345. I. S. nos. 32770, 32771.)

This action was based on shipments of butter, in which certain cases and cartons were found to contain less than the declared weight.

On December 31, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Swift & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 9, 1932, from the State of California to Honolulu, Hawaii, of quantities of butter that was misbranded. The article was labeled in part: (Case) "60# Net Wt."; (carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter 1 Lb. Net Weight Distributed by Swift & Company."

It was alleged in the information that the article was misbranded in that the statement "60# Net Wt.", borne on the cases, and the statement, "1 Lb. Net Weight", borne on the cartons, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the cases each contained 60 pounds of butter, and that the cartons each contained 1 pound net weight thereof; whereas each of a number of the cases contained less than 60 pounds of butter, and each of a number of the cartons contained less than 1

pound. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On January 7, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1,200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20639. Adulteration of butter. U. S. v. Farmers Union Cooperative Creamery Co. Plea of guilty. Fine, \$10. (F. & D. no. 28207. I. S. nos. 35040, 36116.)

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On November 15, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Farmers Union Cooperative Creamery Co., a corporation, Norfolk, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 12 and July 22, 1931, from the State of Nebraska into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of March 4, 1923.

On January 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20640. Adulteration of rabbits. U. S. v. 4 Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29580. Sample no. 32908-A.)

This action involved the interstate shipment of a quantity of rabbits, examination of which showed the product to be decomposed.

On December 2, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four barrels of rabbits at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about November 23, 1932, by Ross & Co., from Baring, Mo., to Buffalo, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20641. Misbranding of canned pitted cherries. U. S. v. 140 Cases of Canned Cherries. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29304. Sample no. 22384-A.)

This action involved the interstate shipment of a product represented to be pitted cherries and which was found to consist in part of unpitted cherries. The article was packed in a solution that did not contain a sufficient amount of sugar to bring the liquid portion up to the standard prescribed by this Department, and was not labeled to indicate that it was substandard.

On November 17, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 140 cases of canned cherries, remaining in the original and unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 12, 1932, by Orrtanna Canning Co., from Orrtanna, Pa., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Homeland Brand * * * Red Sour Pitted Cherries Packed by Orrtanna Canning Co., Orrtanna, Pa."

In was alleged in the libel that the article was misbranded in that the statement "Pitted Cherries" was false and misleading and deceived and misled the purchaser, when applied to a product consisting in part of unpitted cherries. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the liquid portion of the product read less than 16 degrees Brix, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On December 20, 1932, A. J. Harris & Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be sold or disposed of until relabeled so as to conform to the provisions of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20642. Adulteration and misbranding of flour middlings. U. S. v. 106 Bags of Flour Middlings. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29153. (I. S. no. 17788-A.)

This action involved the interstate shipment of a quantity of flour middlings that contained added scourings or added screenings and scourings.

On November 3, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 106 bags of flour middlings, remaining in the original unbroken packages at Westminster, Md., alleging that the article had been shipped on or about August 26, 1932, by the Hanley Milling Co., from Mansfield, Ohio, to Westminster, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Flour Hanley's Middlings * * * The Hanley Milling Co., Mansfield, Ohio."

It was alleged in the libel that the article was adulterated in that added screenings and/or scourings had been substituted in part for the article.

Misbranding of the article was alleged for the reason that the statement "Pure Flour * * * Middlings" was false and misleading and deceived and misled the purchaser when applied to a product containing added screenings and/or scourings. Misbranding was alleged for the further reason that it was sold under the distinctive name of another article.

On January 26, 1933, a claim having been interposed for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it should not be sold or disposed of contrary to law. On March 6, 1933, the claimant having properly relabeled the product, the bond was exonerated.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20643. Misbranding of canned orange juice. U. S. v. 283 Cases of Orange Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29672. Sample no. 4247-A.)

This action involved the shipment of a quantity of canned orange juice that was short volume.

On or about December 29, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 283 cases of orange juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1932, by Stephens Packing Co., from Upland, Calif., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Stephens Pure California Valencia Orange Juice net contents 1 pint 4 fl. oz."

It was alleged in the libel that the article was misbranded in that the statement, "Net contents 1 pint 4 fl. oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 30, 1932, Kohler Products Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant for relabeling under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20644. Adulteration of butter. U. S. v. Whitehall Creamery Association. Plea of guilty. Fine, \$10. (F. & D. no. 29333. I. S. no. 45210.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On November 26, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Whitehall Creamery Association, a corporation, Whitehall, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 11, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by act of March 4, 1923.

On December 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20645. Adulteration of apples. U. S. v. 16 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29576. Sample no. 30124-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 10, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 bushels of apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about November 3, 1932, by River Woodland Farms, from St. Joseph, Mich., to Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On January 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20646. Adulteration of dried figs. U. S. v. 15 Boxes of Dried Figs. Default decree of forfeiture and destruction. (F. & D. no. 28513. Sample no. 14725-A.)

This action was based on the interstate shipment of a quantity of dried figs, samples of which were found to be insect-infested and moldy.

On July 25, 1932, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of dried figs, remaining in the original packages at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about July 1, 1932, by the Otzen Packing Co., from San Francisco, Calif., to Boise, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Otzens Choice Black Figs, packed by Otzen Packing Co., San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it consisted wholly and in part of a filthy, decomposed, and putrid vegetable substance.

On January 10, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20647. Adulteration of crab meat. U. S. v. One Thousand Four Hundred 1-Pound Tins of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 28503. Sample no. 15732-A.)

This action was based on the shipment of a quantity of canned crab meat, which was found to contain filth.

On July 22, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of one thousand four hundred 1-pound tins of crab meat, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about July 19, 1932, by F. P. Long & Co., from St. Michaels, Md., to Washington, D. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From F. P. Long & Company Sea Food St. Michaels Maryland."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On February 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20648. Adulteration of apples. U. S. v. 168 Bushels of Apples. Decree of condemnation. Product released under bond. (F. & D. no. 29676. Sample no. 15454-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On or about October 20, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 168 bushels of apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about October 12, 1932, by C. H. Adams, from South Haven, Mich., to Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article harmful to health.

On October 21, 1932, C. H. Adams, Indianapolis, Ind., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$50, conditioned that it be reconditioned under the supervision of this Department so as to remove the arsenic and lead.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20649. Adulteration of canned shrimp. U. S. v. 19 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29307. Sample no. 16426-A.)

This action was based on the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On November 18, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cases of canned shrimp, remaining in the original and unbroken packages at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about August 13 and August 19, 1932, by Nassau Packing Co., Inc., from Jacksonville, Fla., to Worcester, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Wet Pack * * * St. Johns Brand Fresh Shrimp * * * The Nassau Sound Packing Co., Nassauville, Fla."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20650. Adulteration and misbranding of grape concentrate and banana concentrate. U. S. v. Joe Lowe Corporation. Plea of guilty. Fine, \$500. (F. & D. no. 28065. I. S. nos. 22673, 22749, 22777.)

This case was based on several shipments of grape and banana concentrate, artificially colored and artificially flavored, and containing little, if any, true fruit or fruit juices. The banana concentrate was labeled to convey the impression that it was a true fruit product, the natural color and flavor of which had been enhanced or improved by artificial color and flavor. The articles were imitations and were not labeled as such.

On January 9, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Joe Lowe Corporation, trading at Los Angeles, Calif., charging violation of the Food and Drugs Act. It was alleged in the information that on or about June 12 and June 24, 1931, the defendant company had shipped from the State of California into the States of Utah and Colorado, quantities of grape concentrate, and had shipped on or about April 15, June 22, and June 24, 1931, from the State of California into the State of Colorado, quantities of banana concentrate, which products were adulterated and misbranded. The labels on the bottles containing the grape concentrate bore the statements: "Popsicle * * * Grape Concentrate artificial color * * * Joe Lowe Corporation." The cases containing a portion of the grape concentrate were labeled in part: "Popsicle Syrup Grape Flavor Syrup 100 Lbs. Grape." The bottles containing the banana concentrate were labeled: "Popsicle * * * artificial flavor and color Banana Concentrate * * * Joe Lowe Corporation."

Adulteration of the grape concentrate was alleged in the information for the reason that an artificially colored sirup, prepared in imitation of grape concentrate and containing undeclared artificial flavor, but containing no flavor derived from grapes and little, if any, grape juice, had been substituted for the article. Adulteration of the banana concentrate was alleged for the reason that an artificially flavored and colored imitation of banana concentrate, containing no true banana flavor derived from banana and little, if any, banana fruit, had been substituted for banana concentrate enhanced in flavor and color by artificial means which the article purported to be. Adulteration of both products was alleged for the further reason that they had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding of the grape concentrate was alleged for the reason that the statements, "Grape * * * Flavor Sirup, 100 Lbs. Grape" and "Grape Concentrate", borne on the labels, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was flavoring made from grapes, having the distinctive and natural flavor derived from grapes; whereas it was not, but was an artificially colored and artificially flavored product containing little, if any, grape juice. Misbranding of the banana concentrate was alleged for the reason that the statement "Banana Concentrate" in large, conspicuous type, and the statement "Artificial Flavor and Color" in smaller type, borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was a flavoring sirup made from banana with the natural and distinctive flavor derived from bananas, and that there had been added to the article an artificial flavor and color to enhance its true flavor and color; whereas it was not as represented, but was an artificially colored and flavored product containing little, if any, banana fruit. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On January 23, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20651. Adulteration of canned frozen whole eggs. U. S. v. Kadane-Brown, Inc. Plea of guilty. Fine, \$125. (F. & D. no. 28082. I.S. no. 38711.)

This action was based on the interstate shipment of a quantity of canned frozen whole eggs, samples of which were found to be decomposed.

On May 12, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Kadane-Brown, Inc., a corporation, Dallas, Tex., alleging shipment by said company on or about September 23, 1931, in violation of the Food and Drugs Act, from the State of Texas into the State of New Jersey, of a quantity of canned frozen whole eggs that were adulterated. The article was labeled in part: (Cans) "Whole Eggs American Albumen Corporation Frozen Eggs * * * New York Dallas."

It was alleged in the information that the article was adulterated in that it consisted in part of decomposed and putrid animal substances.

On January 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$125.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20652. Adulteration and misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Default decree of forfeiture and destruction. (F. & D. no. 28348. Sample no. 3099-A.)

This action involved a shipment of potatoes represented to be United States grade no. 1 which were found to be below the grade specified.

On May 25, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 240 sacks of potatoes at Benton, Ill., alleging that the article had been shipped on or about May 14, 1932, by Chetek Equity Co-operative Produce Co., from Chetek, Wis., to Benton, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade Number 1."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding of the article was alleged for the reason that the statement on the tag, "U. S. Grade Number 1", was false.

On January 31, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20653. Adulteration of canned salmon. U. S. v. Independent Salmon Canneries, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 28084. I. S. nos. 22367, 22368.)

This action was based on the shipment of a quantity of canned salmon, samples of which were found to be partially decomposed.

On September 6, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Independent Salmon Canneries, Inc., Seattle, Wash., alleging shipment by said company on or about August 7, 1931, in violation of the Food and Drugs Act, from Ketchikan, Territory of Alaska, to Seattle, Wash., of a quantity of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On January 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20654. Adulteration of canned tomato catsup. U. S. v. 46 Cans of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28726. Sample no. 15417-A.)

This action involved the interstate shipment of quantities of canned tomato catsup that was found to contain excessive mold.

On August 18, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 cans of tomato catsup at Cincinnati, Ohio, alleging that the article had been shipped in part on or about April 27, 1932, from New York City, N.Y., and in part on or about May 25, 1932, from Landisville, N.J., by Francis H. Leggett & Co., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Unicorn Tomato Catsup. Francis H. Leggett & Co., Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 30, 1933, the claim of Francis H. Leggett & Co., the sole intervenor, having been withdrawn, judgment of condemnation and forfeiture was entered, and the court ordered that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20655. Misbranding of canned pimientos. U. S. v. 5 Cases of Canned Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29165. Sample no. 16702-A.)

This action was based on the interstate shipment of a quantity of canned pimientos, sample jars of which were found to contain less than the declared weight.

On November 5, 1932, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five cases of canned pimientos, remaining in the original packages at Winston-Salem, N.C., alleging that the article had been shipped in interstate commerce on or about August 12, 1932, by the Sumter Packing Co., Inc., from Sumter, S. C., to Winston-Salem, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sumter Brand Sweet Red Pimientos, Contents 7 Ozs. Packed by the Sumter Packing Co., Inc., Sumter, S. C."

It was alleged in the libel that the article was misbranded in that the statement "Contents 7 Ozs." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On January 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20656. Adulteration of canned mixed vegetables. U. S. v. 8 Cases and 5 Cases of Canned Mixed Vegetables. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28518, 28519. Sample nos. 8365-A, 8366-A.)

These actions involved interstate shipments of canned mixed vegetables that were in part decomposed.

On July 26, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 13 cases of canned mixed vegetables, remaining in the original unbroken packages at Lebanon, Pa., alleging that the article had been shipped in interstate commerce, on or about June 4 and June 7, 1932, by the Phillips Packing Co., from Cambridge, Md., to Lebanon, Pa., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Castle Haven Brand Mixed Vegetables." The remainder was labeled in part: (Can) "Phillips Delicious Mixed Vegetables."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20657. Adulteration and misbranding of wheat shorts. U. S. v. Neosho Milling Co. Plea of guilty. Fine, \$4 and costs. (F. & D. no. 28099, I. S. nos. 37046, 37047.)

This action was based upon two interstate shipments of a product represented to be wheat shorts, which consisted essentially of bran, pulverized grains, and ground screenings, with wheat shorts, if present at all, constituting a small part of the product. Both lots contained less protein than labeled, and one lot contained more fiber than declared on the label.

On July 14, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Neosho Milling Co., a corporation, Neosho, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 31 and August 3, 1931, from the State of Missouri into the State of Arkansas, of quantities of wheat shorts that were adulterated and misbranded. The article was labeled in part: (Tags) "Wheat Shorts Guaranteed Analysis Crude Protein 16% [or "Wheat Gray Shorts With Screenings Guaranteed Analysis Crude Protein 16 * * * Crude Fibre 6"] * * * Neosho Milling Co., Neosho, Mo."

It was alleged in the information that the article was adulterated in that an added mixture of finely ground bran and grain, and containing in the case of a portion, an excessive amount of crude fiber, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for wheat shorts or wheat gray shorts, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Crude Protein 16%", with respect to a portion, and the statements, "Crude Protein 16% Crude Fibre 6", with respect to the remainder, were false and misleading, and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since it contained less than 16 percent of crude protein, and a portion contained more than 6 percent of crude fiber.

On January 9, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$4 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20658. Adulteration of canned shrimp. U. S. v. 218 Cases and 85 Cases of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28288, 28306. Sample nos. 1830-A, 1848-A.)

These actions involved the interstate shipment of quantities of canned shrimp that was in part decomposed.

On May 6, 1932, and May 12, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 170 cases and 85 cases, respectively, of canned shrimp at Seattle, Wash. On May 25, 1932, the libel filed on May 6 was amended to read 218 cases instead of 170 cases, making a total of 303 cases covered by the two libels. It was alleged in the libels that the article had been shipped in interstate commerce on or about February 13, 1932, by Gulf Food, Inc., of Biloxi, Miss., from New Orleans, La., to Seattle, Wash., that it remained in the original unbroken packages at Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Ready Lunch Dry Pack * * * Shrimp Packed by Gulf Foods, Inc., Biloxi, Miss."

Adulteration of the article was charged in the libels for the reason that it consisted in whole or in part of a decomposed animal substance.

On January 2, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20659. Misbranding of canned peas. U. S. v. 150 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28656. Sample no. 15745-A.)

This action involved an interstate shipment of canned peas that fell below the standard of quality promulgated by the Secretary of Agriculture for canned peas, since it contained an excessive amount of hard peas, and was not

labeled to indicate that it was substandard. The article was not "Select Quality", as labeled.

On August 12, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 150 cases of canned peas, remaining in the original unbroken packages at Washington D. C., alleging that the article had been shipped on or about June 23, 1932, by the G. L. Webster Canning Co., from Cheriton, Va., to Washington, D. C., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Webster's Select Quality * * * Early June Peas Packed by G. L. Webster Canning Co., Incorporated, Cheriton, Virginia."

It was alleged in the libel that the article was misbranded in that the statement "Select Quality" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive amount of hard peas, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On January 5, 1933, G. L. Webster Canning Co., Inc., Cheriton, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. On February 1, 1933, the product was inspected by a representative of this Department and found to have been properly relabeled.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20660. Adulteration of canned tomato pulp. U. S. v. G. S. Suppiger Co. Plea of guilty. Fine, \$50. (F. & D. no. 26370. I. S. no. 27413.)

This action was based on the interstate shipment of a quantity of canned tomato pulp, samples of which were found to contain excessive mold.

On September 11, 1931, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against G. S. Suppiger Co., a corporation, trading at Belleville, Ill., alleging shipment by said company on or about August 21, 1930, in violation of the Food and Drugs Act, from the State of Illinois into the State of Missouri, of a quantity of tomato pulp that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On January 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20661. Adulteration of evaporated apples. U. S. v. 41 Cases of Evaporated Apples. No claim entered. Verdict for the Government. Decree of condemnation and destruction, with the provision that any portion fit for food be delivered to a charitable institution. (F. & D. no. 28738. Sample no. 13307-A.)

This action involved the interstate shipment of a quantity of evaporated apples which were found to be in part wormy.

On August 22, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41 cases of evaporated apples at Alexandria, La., alleging that the article had been shipped on or about January 11, 1932, by Kimmons, Walker & Co., from Springdale, Ark., and had been transported in interstate commerce from the State of Arkansas into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "Springdale Brand Evaporated Apples Packed by Kimmons, Walker & Co., Springdale, Ark."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On January 24, 1933, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal. The decree provided further that any portion fit for food be delivered to charitable institutions.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20662. Adulteration of canned peaches. U. S. v. 35 Cases of Georgia Belle Brand Canned Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29075. Sample no. 15351-A.)

This action involved the interstate shipment of a quantity of canned peaches, samples of which were found to be partially decomposed.

On October 15, 1932, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 cases of canned peaches, remaining in the original unbroken cases at Knoxville, Tenn., alleging that the article had been shipped in interstate commerce on or about July 17, 1930, by Pomona Products Co., from Griffin, Ga., to Knoxville, Tenn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Georgia Belle Brand Peaches, Unpeeled."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20663. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29341. I. S. no. 12811.)

This action was based on the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress; sample packages also were found to contain less than 1 pound, the declared weight.

On December 8, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Mutual Creamery Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about April 4, 1932, from the State of Washington into the Territory of Alaska, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Net Weight One Pound When Wrapped Cascade Pasteurized Butter Mutual Creamery Company, U. S. A."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "Net Weight One Pound", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the statement "Butter" represented that the article contained not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent of milk fat; and the statement "Net Weight One Pound" represented that each package contained 1 pound of the article, whereas each of a large number of the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On December 30, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20664. Adulteration of blue poppy seed, cumin seed, and mustard seed. U. S. v. 4 Bags of Blue Poppy Seed, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28708, 28709, 28858. Sample nos. 1585-A, 1586-A, 1587-A, 1770-A.)

These actions involved interstate shipments of quantities of blue poppy seed, cumin seed, and mustard seed that contained rodent excreta. The cumin seed was also insect-infested.

On August 17, 1932, and September 10, 1932, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4 bags of blue poppy seed, 1 bag of cumin seed, and 5 bags of mustard seed, remaining in the original unbroken bags at Portland, Oreg., alleging that the articles had been shipped in interstate commerce on or about March 17, 1931, April 17, 1931, and June 1, 1932, respectively, by the Atlantic Sales Corporation, from Philadelphia, Pa., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the articles were adulterated in that they consisted in whole or in part of filthy vegetable substances.

On January 13, 1933, and February 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20665. Adulteration of pears. U. S. v. 20 Boxes of Pears. Default decree of condemnation and destruction. (F. & D. no. 29716. Sample no. 25834-A.)

This action involved the interstate shipment of a quantity of pears that were found to bear arsenate of lead in an amount which might have rendered the article injurious to health.

On October 28, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 boxes of pears at Helena, Mont., alleging that the article had been shipped in interstate commerce on or about September 23, 1932, by Ira Cleveland, from Yakima, Wash., to Helena, Mont., and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled in part: "Fancy D'Anjou. Packed and Shipped by Roche Fruit & Produce Co., Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered the article injurious to health.

On December 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20666. Adulteration and misbranding of canned tomato paste. U. S. v. 3 Cases of Tomato Paste. No claim entered. Verdict for the Government. Decree of condemnation and destruction, with provision that goods might be delivered to a charitable institution. (F. & D. no. 28681. Sample no. 13303-A.)

This action involved the interstate shipment of a product represented to be tomato paste, but which consisted of a tomato product insufficiently concentrated to be designated as tomato paste. Examination also showed that certain of the cans were short weight.

On August 19, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 cases of tomato paste at Alexandria, La., alleging that the article had been shipped in interstate commerce, on or about June 28, 1930, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., to Alexandria, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. On August 23, 1932, an amended libel was filed, praying that the original libel be changed to read "Thirty cases" instead of "three cases", which amendment was allowed. The article was labeled in part: "Buffalo Brand Tomato Paste * * * Net Contents 5 Ounces. Packed by Uddo-Taormina Corp. New Orleans, La."

It was alleged in the libel as amended that the article was adulterated in that it consisted of an insufficiently condensed, strained tomato product.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Net Contents Five Ounces", were false and misleading and deceived and misled the purchaser, since the article consisted of an insufficiently condensed, strained tomato product and was short weight. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On January 24, 1933, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered and it was ordered by the court that the product be destroyed, or that it might be delivered to a charitable institution in lieu of destruction.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20667. Adulteration of Brazil nuts. U. S. v. 45 Bags of Brazil Nuts. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 29591. Sample no. 23942-A.)

This case involved an interstate shipment of Brazil nuts that were in part insect-infested, rancid, and moldy.

On December 5, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 bags of Brazil nuts, remaining in the original and unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 22, 1932, by W. R. Grace & Co., from Brooklyn, N. Y., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

The L. Cohen Grocery Co., St. Louis, Mo., entered an appearance and claim, admitting the allegations of the libel and representing that a portion of the product was suitable for consumption as food and could be separated from the unfit portion. On December 17, 1932, judgment was entered, ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that the decomposed nuts be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20668. Adulteration of powdered whole egg. U. S. v. 48 Barrels and 103 Barrels of Powdered Whole Egg. Product released under bond for separation and destruction of decomposed portions. (F. & D. nos. 29115, 29244. Sample nos. 11019-A, 11020-A.)

These actions involved the interstate shipment of quantities of powdered whole egg that was in part decomposed.

On October 24, 1932, and November 7, 1932, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 151 barrels of powdered whole egg, remaining in the original and unbroken packages at Jersey City, N. J., alleging that the article had been shipped in part on or about April 30, 1932, and in part on or about May 17, 1932, by the Kraft-Phenix Cheese Corporation, from Denison, Tex., to Jersey City, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Barrels) "Powdered Whole Egg * * * [Manufactured by Kraft-Phenix Cheese Corp.]"

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 16, 1932, the Kraft-Phenix Cheese Corporation, Denison, Tex., interposed a claim admitting the allegations of the libels and consenting to the entry of decrees condemning the product, and on the same day judgments were entered ordering that the goods be released to the claimant upon payment of costs and the execution of bonds totaling \$7,500, conditioned in part that the decomposed portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20669. Adulteration and misbranding of rye flour. U. S. v. 350 Sacks and 350 Sacks of Rye Flour. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 29313, 29547. Sample nos. 20487-A, 20498-A.)

These actions involved two interstate shipments of rye flour that was artificially bleached and contained benzoyl peroxide or its residue, benzoic acid.

On November 19 and November 29, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 700 sacks of rye flour at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1932, and September 13, 1932, by the Washburn Crosby Co., in part from Blue Island, Ill., and in part from Duluth, Minn., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Sack) "Washburn Crosby Gold Medal Pure White Rye Cream of Rye Washburn Crosby Inc. General Mills Minneapolis Minn." The remainder of the article was labeled in part: (Sack) "Cream of Rye Pure White Flour."

It was alleged in the libels that the article was adulterated in that artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Pure White Rye" and "Rye Pure White Flour", when applied to an artificially bleached flour, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 15, 1932, the Washburn Crosby Co., Inc., Minneapolis, Minn., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to claimant, upon payment of costs and the execution of bonds totaling \$1,500 conditioned that it be relabeled under the supervision of this Department by stenciling upon the bags the words "Bleached with Benzoyl Peroxide" in a plain and conspicuous manner, and the further condition that it should not be disposed of except in compliance with the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20670. Adulteration of apples. U. S. v. 175 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29777. Sample no. 18454-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 9, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 175 bushels of apples at Winters, Tex., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by George Smith, from Roswell, N. Mex., to Winters, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered the article injurious to health.

On December 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20671. Adulteration and misbranding of wheat gray shorts and wheat screenings. U. S. v. Rea-Patterson Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29362. I. S. no. 45176.)

This case was based on an interstate shipment of a product represented to be wheat gray shorts and wheat screenings, which was found to consist of brown shorts with screenings, and to contain a larger percentage of crude fiber than labeled.

On January 10, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Rea-

Patterson Milling Co., a corporation, Coffeyville, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 8, 1932, from the State of Kansas into the State of Arkansas, of a quantity of alleged wheat gray shorts and wheat screenings, that were adulterated and misbranded. The article was labeled in part: (Sack) "Manufactured by The Rea-Patterson Milling Co. Coffeyville, Kansas * * * Wheat Gray Shorts and Wheat Screenings * * * Guaranteed Analysis * * * Crude Fiber 5.5%."

It was alleged in the information that the article was adulterated in that a substance, brown shorts with screenings, had been substituted for wheat gray shorts and wheat screenings, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Wheat Gray Shorts and Wheat Screenings" and "Crude Fiber 5.5%", borne on the sacks, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the article was brown shorts with screenings, and contained more than 5.5 percent of crude fiber, namely, not less than 6.57 percent of crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20672. Adulteration of canned salmon. U. S. v. 400 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 29160. Sample nos. 15336-A, 15337-A.)

This action involved the interstate shipment of a quantity of canned salmon that was in part decomposed.

On November 2, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of canned salmon at Vincennes, Ind., alleging that the article had been shipped in interstate commerce on or about September 11, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Vincennes, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scout Cabin Brand Pink Alaska Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 14, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20673. Adulteration of canned salmon. U. S. v. 216 Cases and 2,099 Cases of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. nos. 29014, 29049. Sample nos. 25872-A, 25873-A, 25881-A.)

These actions involved quantities of canned salmon, samples of which were found to be decomposed.

On October 7, 1932, and October 14, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,315 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 25, 1932, by R. J. Peratovich, from Klawock, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 6, 1933, R. J. Peratovich, Klawock, Alaska, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of bonds totaling \$2,500, conditioned that it be sorted to separate the good from the bad and that the decomposed portion be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20674. Adulteration of cottonseed cake. U. S. v. 175 Sacks of Cottonseed Cake. Consent decree of condemnation. Product released under bond. (F. & D. no. 29604. Sample no. 19807-A.)

This action involved the interstate shipment of a quantity of cottonseed cake that was moldy and weevil-infested.

On September 26, 1932, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 175 sacks of cottonseed cake, remaining in the original unbroken packages at Osborne, Kans., alleging that the article had been shipped in interstate commerce on or about August 3, 1932, by the Texas Refining Co., from Greenville, Tex., to Osborne, Kans., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was infested with live weevils, and was also decomposed, rotten, moldy and decayed to such an extent that it was unfit for use as feed.

On September 26, 1932, the Texas Refining Co., Greenville, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product adulterated as charged in the libel and ordering that it be condemned. It was further ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, the terms of the bond requiring that the goods should not be sold or offered for sale or used for any purpose whatsoever, except in strict compliance with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20675. Adulteration of mixed nuts. U. S. v. 90 Cartons of Mixed Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29610. Sample no. 26537-A.)

This action involved an interstate shipment of mixed nuts. The Brazil nuts in the mixture were found to be in part worm-eaten, moldy, rancid, and decomposed.

On December 8, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 90 cartons, each containing 25 pounds of mixed nuts, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about November 21, 1932, by the Graham Co., Inc., from New York, N. Y., to Washington, D. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "The Graham Brand Mixed Nuts The Mixture of No Apologies Native and Foreign Nuts."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and filthy vegetable substance.

On December 13, 1932, the Graham Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws. In accordance with the decree permitting release, the lot was hand picked and four bags of approximately 400 pounds of Brazil nuts were destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20676. Adulteration and misbranding of cheese. U. S. v. 26 Boxes, et al., of Cheese. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29684. Sample nos. 4439-A, 28634-A, 28638-A, 28639-A.)

This case involved the interstate shipment of quantities of cheese that was found to be deficient in fat.

On or about January 3, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 96 boxes of Longhorn cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, November 1, 1932, by Pauly & Pauly, from Green Bay, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled variously: "Wisconsin State Brand * * * Brookfield"; "Wisconsin Factory * * * Brookfield Brand, State Brand"; "Wisconsin Factory * * * State Brand"; or "Brookfield Brand, Wisconsin Factory * * * Wisconsin State Brand"; and was invoiced as "Longhorn Cheese."

It was alleged in the libel that the article was adulterated in that a substance deficient in fact had been substituted for cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, since it was invoiced as "Longhorn Cheese."

On February 8, 1933, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be manufactured into pasteurized process cheese, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of in violation of the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20677. Adulteration of butter. U. S. v. 95 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29743. Sample nos. 31033-A, 31035-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 19, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 95 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., consigned by Armour Creameries, alleging that the article had been shipped in interstate commerce on or about November 26, 1932, from Pocatello, Idaho, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On January 6, 1933, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked, under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$750, conditioned that it should not be disposed of in violation of the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20678. Adulteration of butter. U. S. v. 320 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29733. Sample no. 27861-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 21, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 320 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 1, 1932, by the Farmers Union Cooperative Creamery Co., from Fremont, Nebr., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of butterfat had been substituted for the article.

On December 31, 1932, the Farmers United Cooperative Creamery having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum

of \$5,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20679. Misbranding of canned peas. U. S. v. 50 Cases and 900 Cases of Canned Peas. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 29717, 29751. Sample nos. 33471-A, 33472-A.)

These actions involved shipments of canned peas that fell below the standard established by this Department, because of an excessive amount of hard peas and excessive cloudiness of liquor, and that were not labeled to show that they were substandard.

On January 5, 1933, and January 16, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 950 cases of canned peas, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 12 and October 14, 1932, by the G. L. Webster Canning Co., from Cheriton, Va., to Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Webster's Cheriton Brand [or "Blue Dot Brand"] * * * Early June Peas Packed by G. L. Webster Canning Co., Cheriton, Va."

It was alleged in the libels that the articles were misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned foods, and their packages or labels failed to bear a plain and conspicuous statement prescribed by the Secretary, indicating that they fell below such standard.

On January 27, 1933, the G. L. Webster Canning Co., Cheriton, Va., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant to be relabeled under the supervision of this Department, upon payment of costs and the execution of bonds totaling \$950, conditioned that they should not be sold or otherwise disposed of contrary to law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20680. Adulteration of celery. U. S. v. 73 Half Crates and 88 Standard Crates of Celery. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 29708. Sample no. 30684-A.)

This case involved a shipment of celery, samples of which were found to bear arsenic in an amount that might have rendered the article injurious to health.

On December 31, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 73 half crates and 88 standard crates of celery, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 19, 1932, by Frank Naruto & Co., Chula Vista, Calif., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Chula Vista Celery Taste-rite Brand Frank Naruto & Co., Ltd."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article harmful to health.

On January 4, 1933, the Pacific Fruit & Produce Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that the portions which, upon examination, were found to be harmful to health be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20681. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29816. Sample no. 11700-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On January 5, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on December 21, 1932, by the Taylor Falls Creamery Co., from Taylor Falls, Minn., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Johnstone & Hollrock, New York, N. Y., filed a claim for the property as agents for the Taylor Falls Creamery Co., Taylor Falls, Minn., admitted the allegations of the libel, and consented to the entry of a decree. On January 23, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned that it be reworked so that it comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20682. Adulteration of butter. U. S. v. 51 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29818. Sample no. 20780-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On January 20, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 12, 1933, by the Lisbon Cooperative Creamery Co., from DeWitt, Iowa, to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On January 25, 1933, the Lisbon Co-operative Creamery Co., DeWitt, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked to comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20683. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29817. Sample no. 20645-A.)

This case involved an interstate shipment of butter, samples of which contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On January 9, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on December 24, 1932, by the Harding Cream Co., of Omaha, Nebr., as agent for Jo Mar Dairies, of Pratt, Kans., from

Kansas City, Mo., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Alex Grossman & Co., Inc., New York, N. Y., filed a claim for the property as agent for the Jo Mar Dairies Co., Junction City, Kans., admitted the allegations of the libel, and consented to the entry of a decree. On January 13, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be reworked to comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20684. Misbranding of peanut meal. U. S. v. 400 Bags of Peanut Meal. Decree adjudging product misbranded and ordering that it be properly labeled or destroyed. (F. & D. no. 29815. Sample no. 16972-A.)

This case involved an interstate shipment of 400 bags of peanut meal that were not labeled to show the quantity of the contents.

On December 23, 1932, the United States attorney for the District of Kansas, acting upon a report by a representative of the Missouri State Board of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 400 bags of peanut meal at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about December 12, 1932, by the De Leon Peanut Co., from De Leon, Tex., to St. Joseph, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it was not labeled with a statement of the net weight.

On January 25, 1933, the De Leon Peanut Co., De Leon, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be destroyed unless the claimant within 10 days pay costs of the proceedings and label the sacks with the net weight.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20685. Misbranding of butter. U. S. v. 80 Cases and 23 Cases of Butter. Product ordered released under bond. (F. & D. no. 29793. Sample nos. 31233-A, 31234-A.)

This case involved a quantity of butter, sample packages of which contained less than 1 pound, the declared weight.

On December 21, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two lots consisting of 103 cases of butter at Butte, Mont., alleging that the article had been shipped in interstate commerce, in part on or about November 29, 1932, and in part on or about December 3, 1932, by John Morrell & Co., from Ottumwa, Iowa, to Butte, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Morrell's Yorkshire Farm Brand Creamery Butter, 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement, "1 Lb. Net Weight" on the labels, was false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the quantity of the contents was not marked on the outside of the packages, since the statement of weight was incorrect.

On January 12, 1933, John Morrell & Co., Ottumwa, Iowa, having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20686. Adulteration and misbranding of shipstuff. U. S. v. Dan Valley Mills. Plea of guilty. Fine, \$5. (F. & D. no. 25712. I.S. nos. 038367, 038369, 038370.)

This action was based on certain shipments of feed that contained less protein and a portion of which contained less fat than declared on the label.

On March 18, 1931, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Dan Valley Mills, a corporation, Danville, Va., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 28, April 16, and April 22, 1930, from the State of Virginia into the State of North Carolina, of quantities of shipstuff that was adulterated and misbranded. The article was labeled in part: (Sack) "Pure Winter Wheat Shipstuff Dan Valley Mills, Danville, Va., Guaranteed Analysis: * * * Fat 5.00% * * * Protein 16.0%."

It was alleged in the information that the article was adulterated in that shipstuff having a protein content of less than 16 percent and a portion of which contained less than 5 percent of fat, had been substituted for shipstuff containing 16 percent of protein and 5 percent of fat.

Misbranding was alleged for the reason that certain statements in the labeling, namely, "Guaranteed Analysis: * * * Protein 16.0%", with respect to a portion, and "Guaranteed Analysis: Protein 16.0%" and "Fat 5.00%", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 16 percent of protein, and a portion contained less than 5 percent of fat.

On September 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20687. Adulteration of apples. U. S. v. 156 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29941. Sample no. 18047-A.)

This case involved an interstate shipment of apples that bore arsenate of lead in an amount which might have rendered them injurious to health.

On or about December 15, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 156 boxes of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about November 23, 1932, by the Pacific Fruit & Produce Co., from Yakima, Wash., to Billings, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which rendered it injurious to health.

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20688. Adulteration of apples. U. S. v. 39 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29730. Sample no. 18042-A.)

This case involved an interstate shipment of apples that bore arsenate of lead in an amount that might have rendered them injurious to health.

On November 25, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 39 boxes of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about November 8, 1932, by Skookum Packers, from Wenatchee, Wash., into the State of Montana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Spitzenberg * * * Skookum Mountain Goat Brand Wenatchee Apples Skookum Packers Association, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered it injurious to health.

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20689. Misbranding of canned salmon. U. S. v. 650 Cartons of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30795. Sample no. 50113-A.)

This case involved a shipment of canned salmon that was labeled to convey the impression that it was red salmon and which was found to consist of coho or medium red salmon, and, in a few instances, chinook salmon.

On July 31, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 650 cartons of canned salmon at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1933, by the Fishermen's Packing Corporation, from Everett, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Avondale Brand medium Red Salmon tender."

It was alleged in the libel that the article was misbranded in that the emphasized statement "Red Salmon" was false and misleading and deceived and misled the purchaser thereof.

On August 17, 1933, the Kroger Grocery & Baking Co., Cincinnati, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for relabeling upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20690. Adulteration of canned pumpkin. U. S. v. 57 Cases and 3 Cans of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29633. Sample no. 33455-A.)

This case involved an interstate shipment of canned pumpkin that was under-processed and decomposed.

On December 14, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 57 cases and 3 cans of canned pumpkin, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about April 21 and April 22, 1932, by William Laning & Son Co., from Bridgeton, N. J., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, * * * N. J."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 1, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20691. Adulteration of apples. U. S. v. 100 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29640. Sample no. 28387-A.)

This action involved the interstate shipment of a quantity of apples that bore arsenic and lead in amounts which might have rendered them injurious to health.

On November 18, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on September 30, 1932, by Bill Nicolson, from Covert, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article harmful to health.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20692. Adulteration of celery. U. S. v. 340 Crates of Celery. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29714. Sample no. 26548-A.)

This case involved a quantity of celery that was found to bear arsenic in an amount which might have rendered it injurious to health.

On January 4, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 340 crates of celery, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by H. P. Garin Co., Los Angeles, Calif., on or about December 19, 1932, and had been transported from the State of California into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On June 6, 1933, the H. P. Garin Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$850, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act. The portion of the article that was found unfit for human consumption was segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20693. Adulteration of apples. U. S. v. 147 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29727. Sample no. 26771-A.)

This case involved an interstate shipment of apples that were found to bear arsenic in an amount which might have rendered them injurious to health.

On or about December 14, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 147 bushels of apples at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about November 17, 1932, by George W. Haxton & Son, Inc., from Model City, N. Y., to Toledo, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On January 25, 1933, George T. Giha, Toledo, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for segregation and destruction of the unfit portion, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the article should not be disposed of in violation of the Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20694. Adulteration of apples. U. S. v. 300 Boxes and Crates of Apples. Product adjudged adulterated and ordered released under bond. (F. & D. no. 29677. Sample no. 18038-A.)

This case involved an interstate shipment of apples that bore arsenic and lead in amounts which might have rendered them injurious to health.

On or about November 23, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 300 boxes and crates of apples at Conrad, Mont., alleging that the article had been shipped in interstate commerce on or about October 12, 1932, by E. H. Pfaff, from Wenatchee, Wash., into the State of Montana and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 11, 1933, the Riggs Grocery Co., Conrad, Mont., having appeared as claimant for the property, judgment was entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20695. Adulteration of dried figs. U. S. v. 25 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29712. Sample no. 27104-A.)

This case involved an interstate shipment of dried figs that were found to contain insect excreta and dead insects.

On December 31, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes of dried figs at Cincinnati, Ohio, consigned by the California Dried Fruit & Nut Co., Lawrence, Calif., November 30, 1932, alleging that the article had been shipped in interstate commerce from Santa Clara, Calif., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance.

On February 1, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20696. Adulteration of canned shrimp. U. S. v. 800 Cases, et al., of Canned Shrimp. Decrees of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. nos. 29699, 29710. Sample nos. 21137-A, 21138-A, 21140-A, 21141-A, 21142-A.)

These cases involved interstate shipments of canned shrimp that was in part decomposed.

On December 29 and December 31, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,703 cases of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce between the dates of September 8 and October 6, 1932, by the Grand Caillou Packing Co., Inc., from New Orleans, La., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, variously: "Lou-Z-Ana Brand Selected Shrimp Grand Caillou Packing Co., Inc., Houma, La."; "Smack Brand"; "Lap Brand."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 7, 1933, the Grand Caillou Packing Co., Inc., Houma, La., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the decomposed portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20697. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29768. Sample no. 20575-A.)

This case involved the interstate shipment of a quantity of butter, samples of which contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 29, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 17, 1932, by the R. & R. Purity Dairy Co., of Buffalo, Minn., through the North Western Forwarding Co., from Minneapolis (Minnesota), Transfer, Minn., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Paul R. Dillon filed a claim for the property as agent for the R. & R. Purity Dairy Co., Buffalo, N. Y., admitted the allegations of the libel and consented to the entry of a decree, and agreed that the product be made to contain at least 80 percent of butterfat. On January 6, 1933, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20698. Adulteration of apples. U. S. v. 92 Boxes and 102 Boxes of Apples. Product ordered released under bond. (F. & D. no. 29838. Sample nos. 31246-A, 31247-A.)

This case involved an interstate shipment of apples which bore arsenate of lead in an amount which might have rendered the article injurious to health.

On January 14, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 194 boxes of apples at Great Falls, Mont., alleging that the article had been shipped in interstate commerce, on or about December 29, 1932, by the Perham Fruit Co., from Grandview, Wash., to Great Falls, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which rendered it injurious to health.

On January 21, 1933, Devine & Asselstine, Inc., Great Falls, Mont., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the apples be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that they should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20699. Adulteration of apples. U. S. v. 162 Boxes and 225 Boxes of Apples. Product released under bond. (F. & D. nos. 29895, 29896. Sample nos. 18048-A, 31232-A.)

These cases involved interstate shipments of apples that bore arsenate of lead in an amount which might have rendered them injurious to health.

On December 17 and 21, 1932, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 387 boxes of apples at Great Falls, Mont., alleging that the articles had been shipped in interstate commerce, on or about November 28 and 29, 1932, by the C. M. Holtzinger Fruit Co., from Yakima, Wash., to Great Falls, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which rendered it injurious to health.

On January 10, 1933, the Suhr Fruit Co., Great Falls, Mont., having appeared as claimant for the property and having admitted the allegations of the libels, decrees were entered ordering that the apples be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that they should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20700. Adulteration and misbranding of rye flour. U. S. v. 171 Sacks of Rye Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29789. Sample nos. 21557-A, 21558-A.)

This case involved an interstate shipment of rye flour that was found to be artificially bleached rye flour containing added nitrites.

On February 4, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 171 sacks of rye flour at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 17, 1933, by the D. D. Fritch Milling Co., from Macungie, Pa., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Metropolitan 140 Lbs. Century Patent Rye Flour." The remainder was labeled in part: "Metco Pure White Patent Rye Flour."

It was alleged in the libel that the article was adulterated in that artificially bleached rye flour containing added nitrites had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Rye Flour" or "Pure * * * Rye Flour", applied to an artificially bleached rye flour, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 23, 1933, Charles F. Shirk, agent for the D. D. Fritch Milling Co., Macungie, Pa., having appeared as claimant for the property, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$350, conditioned that it be labeled, "Bleached With Nitrites."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20701. Adulteration and misbranding of cheese. U. S. v. 150 Cheeses. Consent decree of condemnation. Product released under bond to be manufactured into process cheese. (F. & D. no. 29745. Sample no. 33013-A.)

This action involved a product that was represented to be domestic Swiss cheese, and which was found to be deficient in fat.

On January 13, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cheeses, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Borden Sales Co., Inc., alleging that the article had been shipped in interstate commerce, on or about December 2, 1932, from Monroe, Wis., to Buffalo, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was designated on the bill of lading as "Swiss Cheese."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, Swiss cheese.

On January 19, 1933, the Hasselbeck Cheese Co., Inc., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$7,500, conditioned that it be pasteurized and emulsified and used in the manufacture of process cheese.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20702. Adulteration of canned salmon. U. S. v. 149 Cases and 700 Cases of Canned Salmon. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29545, 29556. Sample nos. 26764-A, 26769-A, 26770-A.)

These actions involved interstate shipments of canned salmon that was found to be in part decomposed.

On November 28 and December 1, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture,

filed in the District Court of the United States libels praying seizure and condemnation of 849 cases of canned salmon, in various lots at Columbus, Chillicothe, Portsmouth, and Washington Court House, Ohio, alleging that the article had been shipped in interstate commerce into the State of Ohio, on or about September 29 and September 30, 1932, by the Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was unlabeled. The remainder was labeled in part: "Edola Brand Pink Salmon Oceanic Sales Co. Seattle."

It was alleged in the libels that the article was adulterated in that it consisted partly of a decomposed and putrid animal substance.

On February 8, 1933, the Superior Packing Co., Seattle, Wash., having entered an appearance and claim, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of bonds totaling \$1,500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20703. Adulteration of figs. U. S. v. 46 Cases of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29548. Sample no. 12954-A.)

This case involved a quantity of figs that were found to be insect-infested.

On November 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 46 cases of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 22, 1932, by Farnsworth & Ruggles, from San Francisco, Calif., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Calimyrna Figs * * * Packed by Giebeler's Fig Gardens, Merced, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20704. Adulteration and misbranding of butter. U. S. v. 92 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29627. Sample no. 25099-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On November 22, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 92 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 4, 1932, by Nelson-Ricks Creamery Co., from Salt Lake City, Utah, to San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading and deceived and misled the purchaser, since the article contained less than 80 percent of milk fat.

On November 29, 1932, the Nelson Ricks Creamery Co., Salt Lake City, Utah, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20705. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28568. Sample no. 13131-A.)

This case involved a lot of crab meat that was found to contain filth.

On August 2, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of two barrels of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1932, by W. C. Larrimore, from St. Michaels, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20706. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29006. Sample no. 11021-A.)

This action involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On September 21, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 10, 1932, by the Orchard Alfalfa Cooperative Creamery, from Orchard, Nebr., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Alex Grossman & Co., Inc., interposed a claim for the property as agent for the Orchard Alfalfa Cooperative Creamery, of Orchard, Nebr., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On October 8, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20707. Adulteration of canned salmon. U. S. v. 650 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 29286. Sample no. 7780-A.)

This case involved the interstate shipment of a quantity of canned salmon that was found to be in part decomposed.

On November 14, 1932, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 650 cases of canned salmon. It was alleged in the libel that the article had been shipped in interstate commerce on or about September 27, 1932, by McGovern & McGovern, from Seattle, Wash., to Atlanta, Ga., where it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "McGovern's Best Brand Pink Alaska Salmon Distributed by McGovern & McGovern, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On November 25, 1932, the Standard Packing Co., Seattle, Wash., filed a claim and answer admitting the allegations of the libel, consenting to the entry

of a decree, and praying that the product be released for shipment to Seattle, Wash., there to be reconditioned by the segregation and destruction of all salmon found unfit for human consumption. On the same date judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it should not be disposed of contrary to the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20708. Misbranding of brown wheat shorts, U. S. v. 112 Bags of Brown Wheat Shorts. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29705. Sample no. 18280-A.)

This action involved a quantity of brown wheat shorts, samples of which were found to contain less than 16 percent of protein, the amount declared on the label.

On January 3, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 112 bags of the said brown wheat shorts, remaining in the original unbroken packages at Philadelphia, Miss., consigned by the Model Mill Co., Jackson, Tenn. It was alleged that the article had been shipped in interstate commerce on or about November 28, 1932, from Jackson, Tenn., to Philadelphia, Miss., and misbranding was charged in violation of the Food and Drugs Act. The article was labeled in part: "Model Brown Wheat Shorts Manufactured by the Model Mill Company, Jackson, Tenn. Guaranteed Analysis Crude Protein not less than sixteen percent."

It was alleged in the libel that the article was misbranded in that the following statement appearing on the label was false and misleading and deceived and misled the purchaser: "Crude protein not less than sixteen percent."

On January 30, 1933, the Model Mill Co., Jackson, Tenn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be disposed of until relabeled to show the true protein content.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20709. Misbranding of candy. U. S. v. 33 Cases and 10 Cases of Candy. Decree of condemnation and forfeiture. Product released under cash bond. (F. & D. no. 29690. Sample nos. 16369-A, 16370-A.)

This action involved interstate shipments of candy, sample packages of which were found to contain less than 1 pound, the weight declared on the label.

On December 29, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cases of candy, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce in part on or about November 6, 1932, and in part on or about December 6, 1932, by the McGregor Toffee Co., from Brooklyn, N. Y., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "McGregor R. & B. Toffee [or "McGregor Assorted Toffee] Manufactured by McGregor Toffee Company, Brooklyn, N. Y. Net Weight 1 lb."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 1 lb.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On January 31, 1933, C. S. Allen, trading as the McGregor Toffee Co., Brooklyn, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of collateral in the sum of

\$150, to insure compliance with the terms of the decree. It was further ordered that claimant, under the supervision of this Department, remove the candy from the original packages and destroy the packages.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20710. Adulteration of oysters. U. S. v. Clarence A. Christy (Geo. A. Christy & Son). Plea of nolo contendere. Fine, \$100. (F. & D. no. 28183. I. S. nos. 29568, 34895, 39239, 39378, 39381.)

This case was based on the interstate shipment of quantities of oysters, samples of which were found to contain excessive water.

On December 7, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Clarence A. Christy, a member of a partnership trading as Geo. A. Christy & Son, Crisfield, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, between the dates of November 11 and November 21, 1931, from the State of Maryland into the State of New York, of quantities of oysters that were adulterated. The article was labeled in part: (Tag) "From Geo. A. Christy & Son * * * Crisfield, Maryland."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that oyster solids, a valuable constituent of the article, had been in part abstracted.

On January 25, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20711. Adulteration of apples. U. S. v. 41 Boxes, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29616, 29617, 29618. Sample nos. 26308-A, 26317-A, 26320-A.)

These cases involved shipments of apples that bore arsenic and lead in amounts that might have rendered them injurious to health.

On or about November 25, November 29, and December 1, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 152 boxes of apples, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about November 3 and November 11, 1932, by the Quick & Harris Co., in part from Yakima, Wash., and in part from Wiley City, Wash., to Baton Rouge, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Quick Brand Northwest Apples, Quick and Harris Co. Yakima."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20712. Adulteration of butter. U. S. v. 20 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28351. Sample no. 1606-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On May 9, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cubes of butter, remaining in the original unbroken packages at Tacoma, Wash., consigned by the American Produce Co., Portland, Oreg., alleging that the article had been shipped in interstate com-

merce on or about May 5, 1932, from Portland, Oreg., to Tacoma, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

On June 4, 1932, the American Produce Co., Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The decree provided, however, that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be made to conform with the law, the court having found that it might be reconditioned by extracting the excess moisture to bring the percentage of butterfat up to the legal standard.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20713. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Product ordered released under bond to be reworked. (F. & D. no. 29007. Sample nos. 17232-A, 17233-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter prescribed by Congress.

On September 13, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 9, 1932, by the Brooklawn Creamery Co., from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Brooklawn Pasteurized Butter Guaranteed by Brooklawn Creamery Co. Salt Lake City, Utah." The remainder was labeled in part: "Meadow Valley Butter * * * Packed Especially for Ben Valle Co., Los Angeles, Calif."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled in part, "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 4, 1932, the court ordered that the product be released to the claimant, the Brooklawn Creamery Co., Salt Lake City, Utah, under bond in the sum of \$250, conditioned that it be brought into compliance with the law. On October 11, 1932, the butter having been reworked, a final decree was entered ordering that the release be made permanent and the bond exonerated.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20714. Adulteration of figs. U. S. v. 50 Boxes of Figs. Default decree of destruction. (F. & D. no. 27641. I.S. no. 31965. S. no. 5681.)

This action involved a quantity of figs that were found to be insect-infested, moldy, dirty, and sour.

On January 5, 1932, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 boxes of figs, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about December 9, 1931, by A. Ghiandi, from Oroville, Calif., to Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shasta Brand Fancy White Adriatic Figs Grown and Packed By A. Ghiandi Thermalito, California."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On April 8, 1932, no claimant having appeared for the property, judgment was entered finding the product adulterated, and ordering that it be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20715. Adulteration of butter. U. S. v. Almond Cooperative Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 27497. I. S. nos. 35120, 36424.)

This case was based on interstate shipments of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 19, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Almond Cooperative Creamery Co., a corporation, Almond, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 9 and June 22, 1931, from the State of Wisconsin into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On August 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20716. Adulteration and misbranding of candy. U. S. v. Louise Darrow and Florence Rudden (Darrow & Rudden). Pleas of guilty. Fine, \$50. (F. & D. no. 28037. I. S. no. 33905.)

This case was based on an interstate shipment of chocolate-covered candy, the chocolate covering of which was found to have been made from skim milk instead of whole milk, as represented.

On June 28, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Louise Darrow and Florence Rudden, copartners, trading as Darrow & Rudden, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 15, 1931, from the State of New York into the State of Pennsylvania, of a quantity of chocolate-covered candy that was adulterated and misbranded. The article was labeled in part: "Milk Choc. Cov. Cream Peanut Clusters Cherry Brand * * * Darrow & Rudden, Manufacturers New York, N. Y."

It was alleged in the information that the article was adulterated in that a covering prepared from skim milk had been substituted for a covering prepared from whole milk, which the covering purported to be.

Misbranding was alleged for the reason that the statement, "Milk Choc. Cov.," borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the covering of the article was prepared from whole milk, whereas it was prepared from skim milk.

On July 1, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20717. Adulteration of walnuts. U. S. v. 89 Bags of Walnuts. Portion of product condemned and released under bond. Libel dismissed as to remainder. (F. & D. nos. 29630, 29631. Sample nos. 24137-A, 25399-A.)

Samples taken from the walnuts involved in this case were found to be insect-infested, moldy, and rancid.

On December 14, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 89 bags of walnuts, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about September 30, 1932, by Rosenberg Bros. & Co., from Orange, Calif., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Crop 1932 Walnuts Packed by Rosenberg Bros. & Co."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 25, 1933, 66 of the 89 bags having been seized by the marshal, on motion of the United States attorney the libel was dismissed as to 54 bags, and the court ordered that they be delivered to the claimant. On the same date, the claimant having petitioned for release of the remaining 12 bags, and having filed a bond in the sum of \$200, judgment of condemnation was entered and it was ordered by the court that the bond be approved and that the said 12 bags be delivered to the claimant to be brought into compliance with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20718. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 100 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29667. Sample no. 33757-A.)

This case involved an interstate shipment of canned frozen eggs that were found to be in part decomposed. Certain of the cans bore no statement of the quantity of the contents.

On or about December 23, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cans of frozen whole eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on November 7, 1932, by the Werner Poultry Co., from North Minneapolis, Minn., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Tag) "From the Werner Poultry Co. Greenberg & Werner—Copartners * * * No. Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged with respect to a portion of the article for the reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 11, 1933, the Lakeside Produce Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20719. Adulteration and misbranding of butter. U. S. v. Albert Mitchell (Aneta Creamery & Produce Co.). Plea of guilty. Fine, \$25. (F. & D. no. 28152. I. S. nos. 41026, 44920.)

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On November 3, 1932, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Albert Mitchell, trading as Aneta Creamery & Produce Co., at Aneta, N.Dak., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 10, 1931, and November 18, 1931, from the State of North Dakota into the State of Minnesota, of quantities of butter that was adulterated and misbranded. The article was labeled in part: (Carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter" was false and misleading, and for the further reason that the article was labeled "Butter", so as to deceive and mislead the purchaser, since it was not butter, but was a product containing less than 80 percent by weight of milk fat.

On January 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20720. Adulteration of hams. U. S. v. 5 Barrels of Hams. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29696. Sample no. 7849-A.)

This case involved a quantity of hams that were found to be decomposed.

On December 29, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five barrels of hams at San Juan, P. R., alleging that the article had been shipped on or about December 3, 1932, by the Memphis Packing Corporation, from Memphis, Tenn., to San Juan, P. R., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tennessee Brand Smoked Meat * * * Memphis Packing Corp. Memphis, Tenn."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On February 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20721. Adulteration of butter. U. S. v. 7 Cubes of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable organization. (F. & D. no. 29668. Sample no. 17387-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 5, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 7 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 26, 1932, by Swift & Co., from Durango, Colo., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On January 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable organization.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20722. Adulteration of canned salmon. U. S. v. 100 Cases and 50 Cases of Canned Salmon. Default decree of forfeiture and destruction. (F. & D. nos. 29315, 29316. Sample nos. 15722-A, 15723-A, 26263-A.)

This case involved a quantity of canned salmon that was in part decomposed.

On November 22, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 150 cases of canned salmon, which originally had been shipped September 11, 1932, by McGovern & McGovern, from Seattle, Wash., to New Orleans, La. It was alleged in the libel that the article had been shipped in interstate commerce from Seattle, Wash., to New Orleans, La., that it had been reshipped to Cairo, Ill., on or about October 15, 1932, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "McGovern's Best Brand Pink Alaska Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed animal substance.

On February 15, 1933, the cases having been consolidated into one cause of action, and no appearance having been entered, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20723. Adulteration and misbranding of flour. U. S. v. 350 Sacks, et al., of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 29621, 29673, 29680, 29782. Sample nos. 21181-A, 21188-A, 21189-A, 21194-A, 21195-A, 21551-A.)

These cases involved interstate shipments of flour that was artificially bleached and which contained benzoyl peroxide or its residue, benzoic acid.

On December 13 and December 27, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 770 sacks of flour at New York, N. Y. On December 23, 1932 and January 27, 1933, the United States attorney for the District of New Jersey filed libels against 994 sacks of flour at Jersey City, N. J. The libels charged that the article had been shipped in interstate commerce in various shipments between the dates of October 14, 1932 and November 20, 1932, by the Atkinson Milling Co., from Minneapolis, Minn.; that it had been transported from the State of Minnesota into the States of New York and New Jersey, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled, variously: "Atkinson's * * * Spartan Bakers"; "Atkinson's Strongheart"; "Atkinson's High Gluten Made from Choice Spring Wheat."

It was alleged in the libels that the article was adulterated in that artificially bleached flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for the article.

Misbranding was alleged with respect to portions of the article for the reason that the statements on the labels, "Atkinson's 140 Lbs. Spartan Bakers Patent Flour Made in Minneapolis, U. S. A.", "Atkinson's 140 Lbs. Strongheart Flour Made in Minneapolis, U. S. A.", and "Made from Choice Spring Wheat", were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to portions for the reason that it was offered for sale under the distinctive name of another article.

Jacques A. Davis appeared in all the cases as agent for the Atkinson Milling Co., admitted the allegations of the libels, and consented to the entry of decrees. On January 16, 19, and 21, and February 17, 1933, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of bonds totaling \$5,000, conditioned that it be relabeled by stenciling on the sacks, "Bleached with Benzoyl Peroxide."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20724. Adulteration of black walnut meats. U. S. v. 1 Barrel of Black Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29323. Sample no. 2460-A.)

This case involved a shipment of black walnut meats, samples of which were found to be rancid.

On November 23, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel of black walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by the General Nut Co., Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 24, 1932, from Kansas City, Mo., to Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed and putrid vegetable substance.

On February 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20725. Adulteration of frozen loganberries. U. S. v. 50 Boxes of Frozen Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29689. Sample no. 30748-A.)

This action involved an interstate shipment of frozen loganberries that were worm-infested and in part worm-eaten.

On December 28, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States a libel praying seizure and condemnation of 50 boxes of frozen loganberries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about December 21, 1932, by the S. A. Moffett Co., from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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Pumpkin, canned:		Phillips Packing Co.....	20656
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	20690		

¹ Contains instructions to the jury.

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U. S. Department of Agriculture

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION-----

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20726-20750

[Approved by the Acting Secretary of Agriculture, Washington, D.C., Jan. 31, 1934]

20726. Misbranding of Anti-Phymin. U. S. v. Robert E. MacIntire (R. E. MacIntire & Co.). Tried to a jury, verdict of guilty. Fine, \$400. Placed on probation for two years under suspended sentence. (F. & D. no. 26548. I. S. nos. 6375, 612545.)

This case was based on interstate shipments of Anti-Phymin, labeled to convey the impression that it was composed of atmospheric elements that produced curative effects through the control of bacterial fermentation, and that it also possessed other healing properties. Investigation showed that the article was valueless for such purposes.

On July 1, 1931, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Robert E. MacIntire, trading as R. E. MacIntire & Co., Pensacola, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about June 13, 1929, and February 10, 1930, from the State of Florida into the State of Alabama, of quantities of Anti-Phymin that was misbranded. The article was labeled in part: "Anti-Phymin Is a Synthetic Compound of Essential Atmospheric Elements in the Form of Gas in Solution with Pure Water and known as 'The Healing Gas' * * * Prepared Solely by R. E. MacIntire and Co., Pensacola, Florida."

Analysis of a sample of the article by this Department showed that it consisted essentially of water (approximately 99.8 percent), sulphur dioxide (0.2 percent), and a trace of nonvolatile matter.

It was alleged in the information that the article was misbranded in that the statement, "Anti-Phymin is a * * * Compound of Essential Atmospheric Elements", borne on the label, was false and misleading, since the article was not a compound of essential atmospheric elements. Misbranding was alleged for the further reason that the statements "A * * * preparation for Internal and External use which effectively controls the bacterial fermentation of waste organic matter in or about the body. * * * 'The Healing Gas' * * * In the control of fermentation lies the secret of the control of disease. For External Use Anti-Phymin should be used in any condition causing or likely to cause pain, soreness or inflammation. Apply * * * to the part affected and keep same wet with Anti-Phymin", regarding the curative and therapeutic effects of the article, were false and fraudulent, since the article was not effective as a healing gas, as a preparation for internal and external use to control the bacterial fermentation of waste organic matter in or about the body, effective in the control of disease through the control of fermentation, or effective as an external application in the treatment of any condition causing or likely to cause pain, soreness, or inflammation.

On December 5, 1932, the defendant was arraigned and entered a plea of not guilty. The case was tried to a jury which returned, on December 7, 1932, a verdict of guilty on all counts. A fine of \$400 was imposed, and the defendant was placed on probation for 2 years under a suspended sentence.

R. G. TUGWELL, Acting Secretary of Agriculture.

20727. Alleged misbranding of Banbar. U. S. v. Leo Banks Barlett. Tried to a jury. Verdict of not guilty. (F. & D. no. 27458. I. S. no. 5604.)

On January 28, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Leo Banks Barlett, Pittsburgh, Pa., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 12, 1931, from the State of Pennsylvania into the State of New York, of a quantity of Banbar. The article was labeled in part: "Banbar, * * * For the Diabetic * * * Diabetes Mellitus, * * * distributed only by L. B. Barlett * * * Pittsburgh, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium sulphate, potassium acetate, extracts of plant drugs including equisetum, uva ursi, podophyllum, nux vomica and leptandra, alcohol, and water.

The information alleged that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle label, falsely and fraudulently represented that it was effective as a treatment for the diabetic and effective as a treatment, remedy, and cure for diabetes mellitus.

The defendant entered a plea of not guilty to the information, and the case came on for trial before a jury on February 27, 1933. Evidence of lay witnesses and expert medical testimony was introduced by the Government in support of its contentions. The trial was concluded on March 8, 1933, on which date closing arguments were made by counsel and the following instructions delivered to the jury by the court (Gibson, J.):

"Gentlemen of the jury: You have been sworn to try the issues of fact raised by an information filed on behalf of the United States against the defendant, Leo Banks Barlett. That information has been drawn under a Federal statute which prohibits under penalty the transportation of misbranded articles of food or of drugs from one State to another. Under statute, the term 'drug', as used in the statute, includes 'all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either men or other animals.' It has defined the misbranding which is prohibited in connection with the transportation of food or drugs from one State to another, for the purposes of certain sections of the act, that is, in regard to false statements with respect to curative or therapeutic effect: 'An article shall be deemed to be misbranded if its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false and fraudulent.'

"Before discussing the specific issues raised by the information, I desire to call your attention to certain general principles to be remembered by you in the performance of your duty. It will be your duty to accept propositions of law as laid down to you by the court. That duty, however, does not extend to matters of fact. It is the peculiar function of the jury to recollect the testimony and to determine what matters of fact have been established by it. It is not the function of the court to express any opinion in regard to matters of fact established by the testimony in this case; but if inadvertently we should do so, you will recollect that you are not to be controlled by any opinion of the court as to matters of fact or as to recollection of the testimony, but it will be your duty to follow your own recollection and your own findings of fact. It follows from your duty of determining the facts that you are called upon to determine the credibility of the witnesses, that is, the effect which is to be given to any testimony given by any witness produced before you. You should not attribute willful false swearing, perjury, to any witness or set of witnesses where there is difference in the testimony of witnesses, but should reconcile the testimony, if it is possible, without attributing perjury to either witness or set of witnesses; if that reconciliation be impossible, it is your duty to determine which witnesses are telling that which is false and which are telling that which is true. But under the circumstances, it is your duty to weigh the testimony of each witness and determine its weight. In testing a witness and determining the weight of his credibility, you may apply any test you may deem proper. It is always proper to consider the manner and appearance of the witness upon the stand, the opportunity which

he may have had to know in regard to the subject matter of his testimony, the consistency of his story, both considered from the one part of his testimony as against the other, and as compared with the testimony of other witnesses whom you deem to be credible.

"This is a charge which carries with it a penalty upon conviction, and in such case the defendant at the inception of the case is presumed to be innocent, and that presumption remains with him throughout the trial until it has been overthrown by the testimony introduced on behalf of the Government. To overthrow that presumption the burden of proof is on the Government. It must produce proof which is sufficient to satisfy you beyond a reasonable doubt of the offense which is charged in the information or indictment against the defendant. A reasonable doubt is not one conjured up or obtained from any other source than the evidence introduced before you. If, after a fair and full consideration of the evidence introduced, your minds are left uncertain, you have no fixed opinion as to the guilt of the defendant under the charge of the information, then you have a reasonable doubt, which is the property of the defendant, and which must lead to his acquittal. On the other hand, if the evidence, and the evidence alone considered, is such as to give you a fixed opinion as to his guilt, then the reverse is true, and you have no reasonable doubt which should lead to the acquittal, but your verdict should be one of conviction.

"Coming then to the charges of the information, we find that substantially four particular facts must be established beyond a reasonable doubt by the Government, before a verdict of guilty may be returned by you. First, the Government is called upon under the pleadings here to establish that this defendant transported or caused to be transported and consigned to one Miss Florence J. Edwards a certain bottle, from the State of Pennsylvania to the consignee in the State of New York. As to the fact of the shipment of a bottle with its contents, known as Banbar, by this defendant, the Government has introduced proof as to the shipment from Pittsburgh and the receipt in Buffalo, I believe, in the State of New York, by Miss Edwards, of a certain bottle; and as to the shipment of that bottle, the defendant has introduced no testimony in denial, and has either directly or inferentially admitted the shipment, as the court recollects. It will be for you to determine.

"The second step of the determination of the issue involved here is whether or not, also, that bottle contained or had thereon a label which set out a statement that the contents of the bottle were intended for the cure, mitigation, or prevention of diabetes. The Government has introduced in evidence a certain label which its testimony proves, it asserts, was upon the bottle shipped by the defendant to Miss Edwards on the day and date charged in the information. That label does not contain a direct allegation that the contents of the bottle possessed any curative or beneficial effect, but it does state that it is 'for the diabetic.' Now, in order to constitute a branding which is contrary to the statute, it is not necessary that such direct, specific claim be placed upon the bottle. If the branding, the labeling of the bottle, is such as would influence anyone to whom it came, or who was looking at it, to believe that it was held out as a cure or a medicine which would be beneficial in the use of any particular disease, then that phase of the matter has been sufficiently taken care of. Now, in this matter of the branding, as we understand it, the defendant—as in the transportation of the package—has not made any claim to the effect that this particular branding, this label upon the bottle, does not set forth a branding which is contemplated by the statute; in other words, in argument before you and in the taking of the testimony, as the court recollects it, the defendant has assumed that the bottle did set forth upon its label a brand which was sufficient to convince the person seeing it that the contents of the bottle were held out as a medicine which was of benefit in the treatment of diabetes.

"The next point of fact for your determination, however, is one which is in serious controversy in this particular case. The charge in the information is that the label was false and misleading, (sic) because the product in the bottle was actually useless and of no effect, and that it had no power to cure or mitigate or prevent diabetes. The Government has offered evidence which it claims establishes that particular fact; and in turn the defendant has offered evidence which he claims controverts that claim and establishes that this particular medicine was of value. It is not claimed by the defendant that it is an absolute cure, of all cases, at least, of diabetes, but the defendant asserts that his evidence establishes the fact that the medicine which is

put out under this name of 'Banbar' is of therapeutic value, that is, that it will at least aid and be of benefit in the treatment of diabetes.

"If you have been satisfied beyond a reasonable doubt of the fact that the bottle charged in the information was transported or caused to be transported by the defendant from Pittsburgh to Buffalo, as charged, from one State to another, that it contained or had thereon affixed a label which set forth a product as beneficial in the treatment of diabetes, you will then proceed to take a further step in your inquiry. If you have not been so satisfied, you need proceed no further, and it will be your duty to return a verdict of not guilty as to the defendant. But if so satisfied, you will proceed to the next step, which is to determine whether or not the bottle and the product within it, branded as set forth, was put into interstate commerce by the defendant falsely and fraudulently, that is, with knowledge that the contents of the bottle were of no value whatsoever in the treatment of diabetes and for diabetics, and with that knowledge sent out by him, with the intent of deceiving a purchaser and with the intent of getting his money without rendering him anything of value therefor. To amplify upon what I have just said: The matter for decision in this case it not entirely whether or not this particular product, 'Banbar', is beneficial for treatment of diabetes. The knowledge and intent of this defendant must be fraudulent, that is, his act must be a fraudulent act. The Government is called upon to establish here that he either knew that this product was absolutely worthless, or that he willfully and wantonly failed to inquire or acquaint himself with the value or lack of value of the product, and sent it out with entire lack of knowledge as to its quality, with the intent of getting the money of the person to whom it was sent or who might seek to buy it, without any regard to its efficacy for the purposes for which it was held out; and even if you should find, therefore, that the product was worthless in the treatment of diabetes, before you may return a verdict of guilty under the information, it will be necessary for you to be satisfied beyond a reasonable doubt that he sent it out with an actually fraudulent intent. In that connection, you will consider, of course, all the testimony which will throw light or tend to throw light upon his mental state in sending out the package in question. The charge in the information is not that the defendant's product was not made pursuant to proper and scientific methods of investigation and test, or that it was not scientifically tested before it was put out, but that the defendant put it out with a fraudulent intent. No matter how ignorant he may have been, or how unscientific or even careless his methods, such ignorance or lack of proper methods is not the charge of the information.

"If you have been satisfied beyond a reasonable doubt that this package was consigned from Pittsburgh to Buffalo, to the person named in the information, as charged; that it contained a label which was false and misleading, in that it set forth that the contents were of value in the treatment of diabetes; that the contents, the product in the bottle, was of no medicinal value for the purpose for which it was held out, and that the defendant knew that it was so worthless, or had no reason to believe that it was of any virtue in the treatment of diabetes, but did so send it with the intent of defrauding any person who might purchase it or obtain it, then it would be your duty to return a verdict of guilty as charged in the information; if you have not been so satisfied, it will be your duty to return a verdict of not guilty.

"Now, this case has been tried, gentlemen of the jury, by the counsel on each side with meticulous care, and it is not my purpose to amplify upon the evidence which they have reviewed before you. You will keep in mind the Government has introduced testimony which it claims establishes all of the matters which are essential to the return of a verdict of guilty; the defendant has introduced testimony, on the other side, which it alleges controverts these particular claims. The Government has introduced, by witnesses called before you, chemists who have analyzed the contents of the medicine, has also introduced physicians and other experts, the effect of whose testimony, it contends, is that the contents of the bottle was of no curative value whatsoever, and also medical witnesses who have testified that the consensus of medical opinion is that no drug or material other than insulin is of any value in the direct treatment of diabetes. It has also introduced a number of witnesses, each of whom stated that he or she had made use of or had used for a time the particular product put out by the defendant, and that no benefit whatsoever was received from its use. The defendant, on the other hand, has introduced the evidence of chemists which to some extent contradicts the testimony offered by the Government by

means of chemists put upon the stand by it. The Government contends that the actual product put out by the defendant was not exactly as stated. However, that may be somewhat immaterial, because both sets of witnesses—that is, both sets of chemical witnesses, if we may call them so—agree that a component of the product was a certain herb known as horsetail, or equisetum, I believe, is the botanical name for it, and it is claimed on behalf of the defendant that that is the actual active part of the product. The defendant has also introduced certain physicians who have made use of this product in their practice and allege that it does have some therapeutic value. And the defendant also has introduced a number of users of the defendant's product, who assert that they have received considerable help in the treatment of diabetes by means of the drug.

"To repeat: If you are satisfied beyond a reasonable doubt as to the consignment in interstate commerce of the bottle charged, that it was branded as charged, that the product was of no value whatsoever in the treatment of diabetes, and that it was sent out by the defendant knowing that the branding of the bottle was false and misleading, and that he had the actual intent to defraud in sending it out, it would be your duty to return a verdict of guilty under the information; and if you are not so satisfied beyond a reasonable doubt as to either the consignment in interstate commerce, the branding of the bottle, the value of the product in the treatment of diabetes, or as to the fraudulent intent of the defendant, it will be your duty to return a verdict of not guilty.

"I neglected to call your attention to certain evidence introduced on behalf of the defendant. He has called here several witnesses who have testified to his good reputation in the community wherein he dwelt. That is substantive testimony, gentlemen of the jury, and it will be your duty to consider it in connection with all the other testimony in the case, and give it such weight as you deem proper.

"The defendant has submitted to me certain points. The first and second points are denied, and not read. An exception is noted to the defendant.

"The third point: 'That if the jury believes that the defendant has received a large number of testimonials from individuals and from medical doctors to the effect that the remedy "Banbar" had helped them in their diabetic ailment, and if the jury further believes that the defendant relied upon these testimonials, then the defendant should be acquitted.' That is rather a general declaration. However, we affirm it, gentlemen of the jury; you will consider it in connection with our comments upon the charge that the defendant had falsely and fraudulently put out this package with the label, that is, put out the package with the false and fraudulent label.

"Has there been any omission?"

Mr. Bryan: If the court please, I would like to have an exception to that last point.

The Court: I am afraid an exception won't do the Government much good in a criminal case. However, I will give you one.

Mr. Bryan: I would like to have the court charge, as laid down in the Supreme Court case,—I will hand this to the court (handing paper to court).

The Court: This is in a shape, Mr. Bryan, I cannot tell what you want; and I think I have covered the matter in my charge, so I will not charge any further.

The Court (continuing): Gentlemen, you will recollect you have a thirteenth juror, chosen to sit only in the event that something happened so that one or the other of the jurors could not remain. I am glad to say that all of the jurors have been able to sit through the case, so that the case will be considered by the 12 jurors who were first sworn, and the thirteenth juror will not participate in your findings.

Mr. Bryan: I would like to have the court charge that the language used in the label is to be given the meaning ordinarily conveyed by it to those to whom it is addressed.

The Court: I think I have perhaps covered that sufficiently, but I will say to the jury that the language upon the label is to be considered from the viewpoint of those to whom the label comes, or to whose view it comes.

Mr. Bryan: And also, I would like to have the court charge that persons who make or deal in substances or compositions alleged to be curative are in a position to have superior knowledge, and may be held to good faith in their statements.

The Court: Gentlemen, at the request of the United States attorney, I charge you: That persons who make or deal in substances or compositions alleged to be curative are in position to have superior knowledge and may be held to good faith in their statements. I trust that subject matter, in substance, has been set forth to you in the general charge, and that you will understand that the good faith or the reverse of the defendant is in issue in this case.

Mr. Bryan: Also, I think the court overlooked, it is also in the information "with wanton and reckless disregard of the truth or falsity", fraud may be inferred from the circumstances—

The Court: That is not the way to present points, Mr. Bryan. They should be written out and submitted to the court before the charge. I am not going to give the jury any more.

Mr. Bryan: I thought the court would cover those.

The Court: You may take the case, gentlemen of the jury, and render such a verdict as your consciences require.

On March 9, 1933, the jury returned a verdict of not guilty.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

2072S. Adulteration and misbranding of tincture of benzoin, lavender oil, sweet almond oil, eucalyptus oil, Carnatine red, Manderine orange, and coumarin; and adulteration of cassia oil, peppermint oil, sandalwood oil, and artificial mustard oil. U. S. v. Edward I. Lowell. Plea of guilty. Fine, \$800. (F. & D. no. 26569. I. S. nos. 2435, 3282 to 3289, incl., 3818, 4626, 4628.)

This case was based on the interstate shipment of several products, sold under names recognized in the United States Pharmacopoeia, that differed from the pharmacopoeial requirements; also of food-coloring agents, namely, Carnatine red and Manderine orange shade that contained sugar, and coumarin that contained undeclared acetanilid. The tincture of benzoin contained undeclared alcohol.

On July 21, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Edward I. Lowell, New York, N.Y., charging violation of the Food and Drugs Act. The information charged that the defendant had shipped from the State of New York into the State of New Jersey, on or about August 6, 1930, a quantity of tincture of benzoin that was adulterated; had shipped from New York into the State of Pennsylvania, between the dates of November 16, 1929, and July 22, 1930, quantities of oil lavender, oil sweet almond and oil eucalyptus, which were adulterated and misbranded, and a quantity each of oil cassia, oil peppermint, oil mustard artificial and oil sandalwood which were adulterated; had shipped from New York into South Carolina on or about August 15, 1930, a quantity of Carnatine red that was adulterated and misbranded, and had shipped into the State of Connecticut on or about June 5, and August 13, 1930, quantities of Manderine orange shade and coumarin that were adulterated and misbranded. The articles were labeled: "Edward I. Lowell Importer and Manufacturer * * * 113 Maiden Lane New York."

The information alleged that the tincture benzoin, oil lavender, oil cassia, oil sweet almond, oil eucalyptus, oil peppermint, oil mustard artificial, and oil sandalwood were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and their own standards of strength, quality, and purity were not declared on the containers.

Misbranding of the tincture benzoin was alleged for the reason that the statement "Tincture Benzoin", borne on the label, was false and misleading, since it represented that the article consisted wholly of tincture benzoin, whereas it was composed in part of acetone; for the further reason that it was offered for sale under the name of another article; and for the further reason that it contained alcohol and the label failed to bear a statement of the proportion or quantity of alcohol contained therein.

Misbranding of the oil lavender flowers was alleged for the reason that the article was a product composed of oil or oils other than oil lavender flowers, prepared in imitation of oil lavender flowers, and was offered for sale and sold under the name of another article.

Misbranding of the oil sweet almond was alleged for the reason that the statement, "Oil Sweet Almond", borne on the label, was false and misleading, since it represented that the article consisted wholly of oil of sweet almond,

whereas it did not, but did consist in part of peach kernel oil and apricot kernel oil; and for the further reason that it was an imitation of, and was offered for sale and sold under the name of another article, namely, oil sweet almond.

Misbranding of the oil eucalyptus was alleged for the reason that the statement "Oil Eucalyptus Globulus", borne on the label, was false and misleading, since it represented that the article consisted wholly of oil of eucalyptus, whereas it did not, but did consist in part of safrol; and for the further reason that the article was an imitation of and was offered for sale and sold under the name of another article, namely, oil eucalyptus globulus.

Adulteration of the said coloring substances was alleged for the reason that sugar had been mixed and packed with the Carnatine red and Manderine orange shade, and acetanilid had been mixed and packed with the coumarin, so as to reduce and lower and injuriously affect the quality and strength of the articles, and had been substituted in part for the said articles.

Misbranding of the said coloring substances was alleged for the reason that the statements "Carnatine Red Certified", "Manderine Orange Shade Certified", and "Coumarine C. P.", borne on the labels, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the so-called Carnatine red certified and Manderine orange shade certified were not certified colors, and did not consist wholly of said coloring substances, but did consist in part of sugar, and the said coumarin C. P., did not consist wholly of coumarin C. P., but did consist in part of acetanilid. Misbranding of the said coloring substances was alleged for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the said coumarin C. P., was alleged for the further reason that it contained acetanilid and the label failed to bear a statement of the quantity and proportion of acetanilid contained therein.

On August 24, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$800.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20729. Misbranding of Zenar remedies. U. S. v. 5 Packages of Zenar No. 24 Whooping Cough Remedy, et al. Default decrees of condemnation and destruction. (F. & D. nos. 28660 to 28669, incl. Sample nos. 918-A, 920-A to 925-A, incl., 1119-A, 1122-A, 1123-A.)

These cases covered shipments of several proprietary medicines under the trade name "Zenar", variously numbered and each labeled as a remedy for a particular disease or ailment, e. g., "Zenar No. 24 Whooping Cough Remedy", etc. Analysis showed that the articles contained no ingredients or combinations of ingredients effective as remedies for the diseases for which they were put out.

On August 25, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 74 packages of Zenar remedies. The libel charged that the articles had been shipped in interstate commerce; that the shipments covered a period from February 26, 1931, to June 27, 1932; that they had been shipped by the Bika Biochemical Laboratories, from Philadelphia, Pa., to Los Angeles, Calif., where they remained in the original, unbroken packages, and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Zenar No. 24 consisted of tablets composed of milk sugar, small proportions of extracts of plant drugs, sulphur (approximately 0.3 percent), and other inorganic material including magnesium, sodium and potassium phosphates and sulphates (0.2 percent); Zenar No. 26 consisted of tablets composed of milk sugar, sulphur (0.03 percent), small proportions of other inorganic material including sodium, potassium, and calcium sulphates and phosphates (0.3 percent), and a trace of an arsenic compound; Zenar No. 3 consisted of tablets composed of milk sugar, sulphur (0.02 percent), and other inorganic material including sodium, potassium, calcium, and iron sulphates and phosphates (0.2 percent); Zenar No. 19 consisted of tablets composed of milk sugar, sulphur (0.03 percent), and other inorganic substances including sodium, potassium and barium phosphates (0.1 percent); Zenar No. 18 consisted of tablets composed of milk sugar, sulphur (0.03 percent), other inorganic substances including sodium, potassium and calcium phosphates (0.1 percent), and a trace of an arsenic compound; Zenar No. 15 consisted of tablets composed of milk sugar,

sulphur (0.02 percent), and small proportions of other inorganic material including sodium, potassium, calcium, manganese, and iron phosphates and chlorides; Zenar No. 8 consisted of tablets composed of milk sugar, sulphur (0.04 percent), and other inorganic material including sodium, potassium and iron sulphates and phosphates (0.17 percent); Zenar No. 21 consisted of tablets composed of milk sugar, sulphur (0.03 percent) and other inorganic material including calcium phosphate (0.15 percent) and a trace of a silver compound; Zenar No. 5 consisted of tablets composed of milk sugar, sulphur (0.03 percent), and other inorganic material including calcium, magnesium, sodium, potassium, and iron sulphates, carbonates, phosphates and chlorides (0.3 percent); and Zenar No. 4 consisted of tablets composed of milk sugar, sulphur (0.02 percent), and other inorganic material including potassium, calcium and iron phosphates (0.25 percent).

It was alleged in the labels that the articles were misbranded in that the following statements on the packages, regarding their curative or therapeutic effects, were false and fraudulent: (Zenar No. 24) "Whooping Cough Remedy"; (Zenar No. 26) "Diabetes Remedy"; (Zenar No. 3) "Remedy for Women's Diseases"; (Zenar No. 19) "Glands and Goitre Remedy"; (Zenar No. 18) "Heart Remedy"; (Zenar No. 15) "Hardening of arteries Remedy"; (Zenar No. 8) "Rheumatism and Arthritis Remedy"; (Zenar No. 21) "Weak Nerves (impotency) Remedy"; (Zenar No. 5) "Pulmonary and Lung Remedy"; (Zenar No. 4) "Nerve and Bladder Remedy."

On April 3 and April 5, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20730. Misbranding of Frick's Eez-All. U. S. v. 67 Bottles and 17 Bottles of Frick's Eez-All. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29593. Sample no. 2261-A.)

Examination of the drug preparation, Frick's Eez-All, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 15, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 67 six-ounce bottles and 17 quart bottles of Frick's Eez-All, remaining in the original unbroken packages at Denver, Colo., consigned by Adolph F. Frick, alleging that the article had been shipped in interstate commerce, on or about July 26, 1930, from San Francisco, Calif., to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a small proportion of extracts of plant drugs, alcohol (16 percent by volume), and water. Bacteriological examination showed that the article was not a germicide.

It was alleged in the label that the article was misbranded in that the following statements appearing on the label, regarding its curative or therapeutic effects, were false and fraudulent: "Tissue Builder, Skin Purifier * * * for * * * pimples, boils, carbuncles, * * * hives, * * * granulated eyelids, stys, barber's itch, weeping eczema, dandruff, * * * bleeding and receding gums, pyorrhea, rheumatism, goitres, varicose veins."

On February 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20731. Misbranding of Silver Pine Healing oil. U. S. v. 48 Bottles of Silver Pine Healing Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28684. Sample no. 7162-A.)

Examination of the drug preparation, Silver Pine Healing oil, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On or about August 16, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture,

filed in the District Court of the United States a libel praying seizure and condemnation of 48 bottles of Silver Pine Healing oil at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 22, 1932, by the Vicksburg Chemical Co., from Vicksburg, Miss., to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Silver Pine Healing Oil * * * Prepared only by International Stock Feed Co., Minneapolis, Minn."

Analysis of a sample of the article by this Department showed that it consisted essentially of an empyreumatic oil such as tar oil, and turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "Healing * * * Muscular Rheumatism * * * Injuries by nails, Etc. * * * Purify * * * Sore. * * * Heal"; (carton) "Healing * * * For Human Use For * * * Sores, Ulcers, All Flesh Wounds, External Inflammation, Swellings, Lame Back, Injuries Made by Nails, and other Conditions * * * Purify, * * * Heal. * * * And in other cases where the skin is broken. * * * For Animal Use * * * Sores, All Flesh Wounds, External Inflammations, * * * Swellings, * * * Injuries made by nails, * * * Purify the Wound or Sore and Heal * * * Healing"; (circular) "Healing * * * as a healer. * * * Healing * * * or other Flesh Wounds— * * * Old Sores, etc. * * * Muscular Rheumatism, Sore Throat, etc.— * * * Healing * * * Inflammation, * * * Muscular Rheumatism, etc. * * * Injuries Made by Nails— * * * For Human Use * * * Healing * * * For * * * Sores, * * * Injuries made by nails or other Flesh Wounds, Muscular Rheumatism, etc. * * * Healing."

On September 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20732. Adulteration and misbranding of Adium-Active Radium Ointment. U. S. v. 16 Dozen Tubes of Adium-Active Radium Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27373. I. S. no. 44717. S. no. 5542.)

The drug preparation Adium-Active Radium Ointment, involved in this action, was represented to be a radium preparation, but was found to contain only a negligible trace of radium. The article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 16, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 dozen tubes of Adium-Active Radium Ointment, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about September 8, 1931, by Adium Products, Inc., from Battle Creek, Mich., to Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of an ointment containing a negligible trace of radium (less than 5 millimicrograms of radium per grain of the article). It was composed essentially of petrolatum and powdered mineral matter.

It was alleged in the libel that the article was adulterated in that its strength and quality fell below the professed strength under which it was sold, viz: (Carton) "Active Radium Ointment"; (tube) "Adium is * * * for use where mild Radium Therapy is indicated"; (circular) "Active Radium Ointment * * * Adium represents a great forward step in the application of mild radium-therapy * * * wherever mild radium therapy is needed. Adium makes it possible * * * The active radium substances are thoroughly diffused through-out the ointment * * * Radium—also Adium—contains three rays * * * They are known as Alpha, Beta and Gamma. The Alpha

rays reach and act on the outer surface of the skin; the Beta rays penetrate through the outer surface of the skin; the Beta rays penetrate through the outer surface and act upon the deeper layers; and the Gamma rays penetrate into the underlying tissues. Thus both the surface skin cells and those which lie beneath are bathed in these wonderful rays. * * * Its exceptional and amazingly prompt healing properties, we believe, lies in its wonderful radium content. * * * Photograph taken Without Sunlight Proves Adium's Radium-Active Properties. So active is Adium in radium rays that photographs may be taken with it in total darkness. * * * Adium is * * * radium-active ointment * * *. [A cut purporting to be from a photograph taken by means of radiation from the article; cuts accompanied by the legends 'How Radium is used in Hospitals' and 'How Adium is Used at Home']."]

Misbranding of the article was alleged for the reason that the above-quoted statements and designs were false and misleading. Misbranding of the article was alleged for the further reason that the following statements regarding the curative or therapeutic effect of the article were false and fraudulent: (Tube label) "Adium is a * * * penetrating, healing ointment for use where mild Radium Therapy is indicated. Highly valuable in the treatment of Piles, Sores, Ulcers, Pimples, Itch, * * * Ringworm, Tetter, Warts, * * * Furunculosis (Boils), * * * For Piles"; (circular) "New Way to use Mild Radium Therapy, For Pimples, Acute Superficial Ulcers. Sores, * * * Ointment for Piles * * * Wonderful Healing Properties of Radium Disclosed by Nature * * * He noticed that sores and skin irritations and wounds among radium ore workers quickly vanished. Even those who on arrival suffered from certain minor skin diseases, such as may affect any man or woman in other walks of life, saw such ailments gradually disappear. In other mines, * * * skin infections and lesions are very common. The miners never actually handled pure radium. * * * Yet their constant contact with the ore was sufficient. For radium is not applied direct to the skin in medical treatment. Its emanations only are used—the rays which it gives forth. And these emanations, of course, were coming straight through the ore into the air and onto the skins of these miners. These observations led to the discovery of Adium and resulted in bringing the benefits of radium within the reach of every home. * * * to leave the radium in the ore and use the ore itself is not prohibitively expensive. Hence you are able to obtain Adium—the radium active ointment—at a very modest price. Laboratory Experts Perfect New Radium-Active Ointment for Use in Certain Skin Ailments, Sores, Pimples, Piles, etc. * * * He had seen with his own eyes the amazing healing properties of radium-bearing ore on skin conditions, and believed that by incorporating the ore into an ointment, the benefits of mild radium therapy could be placed within the reach of everyone without regard to location or occupation. * * * The laboratory crushed the ore to a fine powder, refined it to remove certain impurities and injurious elements, and then combined it with certain oils and therapeutic ingredients possessing known merit in the treatment of skin troubles, to form a * * * healing ointment. * * * Scores of sufferers experienced most amazing results. Many reported a cure of old sores, of chronic ulcers, piles, eczema and kindred conditions that had resisted every treatment and remedy used for years. * * * Its radium activity incorporated into an ointment was as pronouncedly beneficial as the original ore when freshly mined. For here is the wonderful thing about radium: Although it constantly gives off its wonderful healing rays, its powers are seemingly inexhaustible. It is estimated that radium in its pure state will retain its powers for 2500 years, while the ore in which it is contained will give out these emanations and rays for millions of years. So it came about that the observant brain of a layman (non-medical man) lead to the development of one of the most effective treatments for skin troubles and piles of which we have any knowledge that has ever been given to the world. * * * You can apply Adium * * * to * * * any kind of injury or irritation. Adium brings not only the * * * healing radium emanations or rays, but in it are also * * * other ingredients widely used in skin troubles. These act like a poultice, * * * while its healing rays and therapeutic agents penetrate to the seat of the affection. * * * Heretofore the use of radium—or of radium-active minerals—has been confined almost entirely to hospitals and laboratory work. * * * stimulating * * * the natural healing forces that are inherent to all bodily tissues, breaking up stagnation,

bringing new life and health to diseased tissues. * * * if you have aggravated sores, ulcers, pimples, eczema or piles that have resisted treatment for months or years, * * * Science hails radium and radium rays as one of the greatest discoveries of the age in years for skin troubles. Adium, because of its radium-active properties acts in a similar manner and because of its ease of application can be used in the home as safely and as easily as an ordinary salve or ointment. Adium also contains other valuable and proven ingredients for the skin which alone would stamp it as a most effective treatment for many forms of skin trouble. * * * The radium-active properties of Adium act continuously to penetrate * * * Skin Eruptions—Eruptions due to external cause usually respond quickly to Adium. * * * Pimples * * * Spread Adium well over the pimples * * * Repeat nightly until pimples * * * have entirely disappeared. Continue for a short time after the pimples have gone * * * Eczema— * * * Adium gives speedy and effective relief in most forms of this painful, itching, disfiguring disease. * * * Repeat treatment every night * * * until disease is relieved. Boils—First Adium relieves the pain and soreness. Used early enough it will often absorb the boil. Then it helps the boil to break quickly and end; after which it helps restore the skin to normal condition. Cover boil with Adium * * * Repeat daily * * * until boil or boils have disappeared. * * * These curative rays * * * Only their wonderful healing and reparative benefits are perceived, * * * Easy Way To Treat Piles * * * Piles—The penetrating, * * * healing properties of Adium are invaluable to the sufferer from Piles and Hemorrhoids. * * * Adium pours its active radium rays deep into the affected parts, stimulates blood circulation, relieves sluggishness and congestion. * * * for treating piles. Sore * * * Aching * * * Feet— * * * Old Sores and Surface Ulcers—Many of the most stubborn, aggravating, long-standing sores and superficial ulcers have yielded to the penetrating, healing rays of Adium. Apply * * * over sores, * * * Repeat treatment until sores are healed. * * * Psoriasis or Scaly Red Patches and other Skin Diseases— * * * Itch, Tetter, Ringworm, * * * Ugly Skin on Legs— * * * pours its healing rays deep into the affected tissues to relieve sluggishness and congestion, stimulate the reparative processes and build up diseased tissues.”

On March 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20733. Adulteration and misbranding of Gliciodina. U. S. v. Jose G. Carde (Gliciodina Manufacturing Co.). Plea of guilty. Fine, \$5 and costs. (F. & D. no. 28128. I. S. nos. 5784, 38436.)

This case was based on the sale in Puerto Rico of 2 lots of a drug preparation known as Gliciodina which examination disclosed contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article. Tests of the article also showed that it was not an antiseptic and disinfectant, as claimed in the labeling. One of the lots contained less alcohol than declared.

On January 27, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Jose G. Carde, trading as the Gliciodina Manufacturing Co., Manati, P. R., alleging that the defendant had offered for sale and had sold in Puerto Rico, between the dates of May 13, 1930 and November 10, 1931, two lots of the said Gliciodina, which was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of iodine, potassium iodide, thymol and menthol, alcohol, and water. Bacteriological examination showed that the article was neither an antiseptic nor a disinfectant when used as directed.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an antiseptic and disinfectant when used as directed, and was also represented to contain 40 percent of

alcohol; whereas it was not antiseptic and disinfectant when used as directed, and a portion of the article contained not more than 31.5 percent of alcohol.

Misbranding was alleged for the reason that the statements, "Antiseptic and Disinfectant * * * Acts on the germs that continuously multiply themselves in the mouth, diminishing in this way their destructive action on the dental tissues. Method of Using: 15 or 20 drops in a glassful of water", with respect to both lots of the article, and the statement "40% Alcohol", with respect to one of the lots, were false and misleading since the article was not an antiseptic and disinfectant when used as directed, and the said lot contained less than 40 percent of alcohol. Misbranding was alleged with respect to the lot that contained less alcohol than declared on the label for the further reason that the label failed to bear a statement of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect. The information also charged that one of the lots was further misbranded in that certain statements, designs, and devices, appearing on the bottle and carton labels and in the circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a treatment, remedy and cure for all diseases of the mouth and respiratory tract; as a preventive for inflammations and "Pyorrhea Alveolar" and effective as a counter-irritant for inflammations of the gums and pericementitis; effective to destroy the formation of sanguineous and salivary calculi; effective to prevent the formation of caries; and effective as a treatment for sick gums; and that the remaining lot was further misbranded in that it was falsely and fraudulently represented to be effective as a treatment, remedy and cure for all diseases of the mouth and all affections of the mouth; effective as a preventive against "Pyorrhea Alveolar"; effective as a treatment, remedy, and cure for affections of the respiratory tract; effective as a counter-irritant against pericementitis; effective as a treatment for inflammation of the gums; effective to destroy the formation of sanguineous and salivary calculi and to prevent the formation of caries; and effective as a treatment for sick gums.

On January 27, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20734. Adulteration and misbranding of Healthagain. U. S. v. 8 Bottles of Healthagain. Default decree of condemnation and destruction.
(F. & D. no. 29577. Sample nos. 21776-A, 21777-A, 21778-A.)

The product Healthagain, involved in this case, was labeled to convey the impression that it was of vegetable origin and was a food medicine, also that it contained no harmful drugs. It contained, however, Epsom salt, a mineral drug; it was not in any sense a food; and certain of the ingredients might be harmful. The labeling of the article bore unwarranted curative and therapeutic claims.

On December 2, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of eight bottles of the said Healthagain, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 18, 1932, by John Edward, president of the Healthagain Laboratories, Inc., from Wellsburg, W. Va., to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Healthagain * * * Healthagain Laboratories, Inc. * * * A Food Medicine Compounded of U. S. P. Vegetable Extracts & Alfalfa * * * No Harmful Drugs."

Analyses of samples of the article by this Department showed that it consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs, including laxative drugs such as jalap, senna, and rhubarb, alcohol (approximately 3.2 percent), sugar (approximately 20 percent), and water.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Compounded of U. S. P. Vegetable Extracts and Alfalfa", since it contained a considerable proportion of Epsom salt, a mineral drug.

Misbranding was alleged for the reason that the statements on the label, "Compounded of U. S. P. Vegetable Extracts and Alfalfa", "A Food Medi-

cine", "No Harmful Drugs", were false and misleading in view of the composition of the article, and in view of the fact that it was not a food, and contained ingredients that might be harmful to health. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (All bottles) "Healthagain", (2 bottles) "Recommended for use in the treatment of Diabetes"; (2 bottles) "Recommended for use in the treatment of Rheumatism"; (2 bottles) "Recommended for use in the treatment of Anemia"; (1 bottle) "Recommended for use in the treatment of Liver"; (1 bottle) "Recommended for use in the treatment of High Blood Pressure."

On March 27, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20735. Misbranding of Vegetable Compound Healthagain. U. S. v. 30 Bottles, et al., of Vegetable Compound Healthagain. Default decrees of condemnation and destruction. (F. & D. nos. 28977, 29017, 29038, 29041, 29057, 29080, 29111, 29201. Sample nos. 8951-A to 8956-A, incl., 8959-A to 8972-A, incl., 19226-A, 26791-A, 26851-A, 27251-A to 27265-A, incl.)

These cases involved a product intended for the treatment of various diseases and labeled to convey the impression that it was of vegetable origin and contained no drugs. Analysis showed, however, that it contained Epsom salt, a mineral drug, and other laxative drugs. The label bore unwarranted curative and therapeutic claims, and failed to declare the quantity or proportion of alcohol contained in the article.

The United States attorneys for the Western District of Pennsylvania and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed between the dates of September 30, 1932 and November 5, 1932, libels praying seizure and condemnation of 219 bottles of the said Vegetable Compound Healthagain in various lots at New Castle, Washington, and McKeesport, Pa., and Cleveland and Youngstown, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce from Wellsburg, W. Va.; that the shipments had been made by the Healthagain Laboratories, Inc., E. J. Hunt, and John Edward, of Wellsburg; that they had been made during the period from September 16, 1932 to October 28, 1932; and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs including laxative drugs such as jalap, senna and rhubarb, alcohol (approximately 3.2 percent), sugar (approximately 20 percent), and water.

The article was labeled: "Vegetable Compound * * * No Drugs." The curative and therapeutic claims in the various shipments differed somewhat, certain of the lots bearing on the bottle labels: "Healthagain Laboratories * * * Life Healthagain * * * 1. Diabetes; 2. High Blood Pressure; 3. Anemia; 4. Bright's Disease; 5. Dropsy; 6. Tuberculosis; 7. Liver; 8. Nervousness; 9. Skin Disease; 10. Ulcerated Stomach; 11. Arthritis; 12. Rheumatism; 13. Gall Bladder Trouble; 14. Asthma," and certain of the lots bearing the same statement and list with the exception that the figures 1 to 14 inclusive were omitted. In addition the bottle labels in the above lots bore typed, written, or rubber stamped—apparently for the purpose of distinction—one of the following: "Special", "Brights Disease", "Rheumatism", "Arthritis", "Dropsy", "Liver", "Sugar Diabetes", "Diabetes", "Anemia", or "High Blood Pressure." A portion was labeled, "Life Healthagain * * * Healthagain Laboratories: 1. Diabetes; 2. High Blood Pressure; 3. Anemia; 4. Bright's Disease; 5. * * * Rheumatism; 7. Liver; 8. Ulcerated Stomach." One small lot was labeled variously: (All bottles) "Healthagain"; (5 bottles) "Recommended in the treatment of dropsy Special"; (2 bottles) "Recommended in the treatment of rheumatism"; (2 bottles) "Recommended in the treatment of liver"; (2 bottles) "Recommended in the treatment of high blood pressure."

The libels charged that the article was misbranded in that the above-quoted statements on the bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent. Misbranding was alleged for the further reason that the statements on the label, "Vegetable Compound * * * No Drugs", were false and misleading, since the article contained Epsom salt and other laxative drugs. Misbranding was alleged for the further reason that the labels failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On March 2, 1933, no claimant having appeared in the cases instituted in the Northern District of Ohio, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal. On March 27, 1933, similar decrees were entered in the cases instituted in the Western District of Pennsylvania.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20736. Misbranding of Syrup of Ambrozoin. U. S. v. 23 Bottles of Syrup of Ambrozoin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 20516. I. S. no. 1502-X. S. no. C-4841.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the bottle and carton labels.

On October 21, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 bottles of Syrup of Ambrozoin at Rock Island, Ill., alleging that the article had been shipped in interstate commerce on or about July 25, 1925, by the American Apothecaries Co., from Astoria, N. Y., to Rock Island, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, small proportions of ammonium chloride, compounds of sodium and potassium, a bromide, glycerin, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle and carton labels, were false and fraudulent: (Bottle) "Bronchitis, laryngitis, asthma, whooping cough, pulmonary phthisis and other respiratory affections in which a mild sedative or expectorant is required. * * * allays cough, promotes expectoration, exerts soothing influence on the inflamed mucous membrane of the bronchial and pulmonary passages and relieves congestion of the respiratory organs. * * * dose * * * repeated * * * until cough is allayed and respiratory discomfort is overcome"; (carton) "Bronchitis, laryngitis, asthma, whooping cough, pulmonary phthisis * * * and other respiratory affections in which a mild sedative or expectorant is required * * * allays cough, promotes expectoration * * * exerts a soothing influence on the inflamed mucous membrane of the respiratory passages."

On April 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20737. Misbranding of Dr. Newton's Nervine. U. S. v. 288 Bottles of Dr. Newton's Nervine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29685. Sample no. 13731-A.)

Examination of the drug preparation, Dr. Newton's Nervine, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On January 3, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 288 bottles of Dr. Newton's Nervine, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 8, 1932, by the DeVore Manufacturing Co., from Columbus, Ohio, into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr. Newton's Nervine * * * Standard Laboratories Sole Proprietors Columbus, Ohio."

Analysis of a sample of the article by this Department showed that it consisted essentially of ammonium, sodium, potassium and strontium bromides (approximately 7 grams per 100 milliliters); sodium benzoate (approximately 2 grams per 100 milliliters), a small proportion of extracts of plant drugs, sugar, and water artificially flavored.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and

fraudulent: (Bottle) "Nervine * * * A Valuable Nerve Sedative * * * for Nervous Disturbances, Sleeplessness, * * * Nervous Dyspepsia, * * * temporary relief for Epilepsy. * * * Dose: One or two teaspoonfuls four times per day"; (carton) "Nervine * * * A Nerve Sedative * * * recommended in extreme nervous conditions, * * * and nervous irritation. * * * for relieving nervous disturbances and nervous irritation. * * * in the treatment of most nervous diseases. It quiets the nerves, and imparts natural repose that is so necessary for good health. * * * Dose:—One or two teaspoonfuls after meals"; (circular) "Nervine A Nerve Sedative * * * a direct sedative to the general nervous system, and in the treatment of diseases arising from this cause, * * * Dipsomania, Drunkenness And Delirium Tremens Are produced by the nervous system. The craving for alcoholic drink is due to a very nervous temperament, and the person so afflicted drinks too freely and becomes drunk. Continuous drunkenness will result in Delirium Tremens. Treatment: In treating cases of drunkenness or delirium tremens this medicine must be administered in large doses. Take four teaspoonfuls in a cup of water every hour or two until the patient becomes quiet. The bowels should be flushed by taking a liberal dose of Rochelle salts, or a good mineral water. Then they should be kept open for a day or two by any good laxative. If the stomach becomes impaired and will not retain food, take a cup of hot milk in which put a liberal quantity of red pepper. In cases where food has not been taken for several days, light nourishment, such as milk, broth, etc., should be taken freely as the stomach will bear. If patient does not sleep soundly at nights, take a dose or two of this medicine in the evening. Those who desire to break the habit will find this medicine a wonderful aid to exercising the will power by taking two or three teaspoonfuls, three times daily. Epilepsy—Fits This disease is of a two-fold character, the first is very severe and is characterized by convulsions and loss of consciousness. In many instances the patient falls insensible, the face becomes pale, the head is drawn backward or sidewise, froths at the mouth, grinding of teeth, and the tongue is frequently bitten. It usually lasts from two to five minutes, after which the patient falls into a deep sleep from which he awakes with a feeling of exhaustion and confusion of mind. In the second or lighter form, which is known as epileptic vertigo, the person suddenly stops; then goes on as usual. Some cases there is a sudden dizziness, and a partial loss of consciousness, after which it passes off. Between these two cases there are other forms. In some cases the memory fails, and the patient becomes irritable, melancholy and morose. The worst cases often terminate in insanity or imbecility. Treatment: Adults of normal weight usually take two teaspoonfuls three times a day. Smaller persons and children take less, according to their weight. Bowels should be kept open. If cases follow in rapid succession, an extra dose may be given. * * * Nervousness, Hysteria May be greatly benefitted by the use of this medicine. Persons subject to nervous headaches will find great relief by taking this medicine regularly three times a day for a month or two at least. The bowels must be kept regular in order to get the proper results. When a headache begins, take two teaspoonfuls in a half cup of water, and, if possible, obtain a few minutes sleep. Nervousness is caused from Nerve Weakness, the nerve energy being impaired. In this case, this medicine should be taken—two teaspoonfuls three times a day in half a cup of water. If not relieved take another dose at bedtime. Be sure to keep the bowels open at all times. Hysteria is another manifestation of nervous irritation. Persons troubled with this disease cry easily, laugh at almost nothing, and do not seem to be able to control themselves. This medicine, as before described, being a nerve sedative, will tend to quiet the nerves and by exercising will power, the patient may actually overcome this trouble. Nervous Dyspepsia, Nervous Irritation and Neuralgia Are all three traced to the nerves. Nervous Dyspepsia is usually the result of a nervous stomach. Care, anxiety, headache, dizziness, etc., greatly weaken these nerves. In the case of nervous dyspepsia * * * Take this medicine regularly in two teaspoonful doses regularly three times daily. Nervous Irritation is solely the result of deranged nerves, in reality, a nervous exhaustion. In other words, a breaking down of the nerves. Many troubles arise from this cause such as Dizziness, Headache, Sleeplessness, Anxiety, Weakness of the Heart, Eyes, Stomach, etc., Excess in eating, drinking, overwork, etc. are sources of this irritation. This medicine as above directed, with care in your diet, plenty of gentle exercise, moderate living, will restore these nerves and the patient will gain natural health rapidly. Neuralgia is of varied forms. Its symptoms are acute intermittent pains along the course

of certain nerves and their branches. No fever or inflammation. In severe cases, excruciating, citing, tearing, burning pain may follow. Facial Neuralgia, in which the nerve supplying the side of the face, eye, teeth and jaw is involved. Another form called Sciatica, affecting the great nerve below the hips and running down the thigh. For these and similar cases, this medicine should be taken as already described in two teaspoonful doses regularly three times a day for some time, taking as much rest and freedom from cares and worry as possible. Sleeplessness is often due to an irritated condition of the brain the same as headache. In mild cases two or three teaspoonfuls of this medicine in water before retiring will cause the patient to obtain a restful night's sleep. Cases more severe and of longer duration should be treated by two teaspoonful doses three times a day, the last dose just before retiring, and as the patient begins to improve and obtains sleep and rest, diminish the treatment gradually until thoroughly recovered. * * * Nervous diseases * * * In Nervous Diseases * * * The Digestive Organs are composed of hundreds of nerves, and any fault in digestion is registered by these nerves and may cause serious trouble. * * * A Suggested Diet For Nervous Irritability * * * diet is the most essential thing in treating any disease arising from Nervous Disorders, * * * Diet Suggested For Epileptics While this is also a nervous disease it differs from Nervous Irritability, and requires somewhat different diet."

On February 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20738. Misbranding of Neol. U. S. v. Three 1-Gallon Containers and Twenty-four 6-Ounce Bottles of Neol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29744. Sample no. 14480-A.)

Examination of the drug preparation Neol disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 13, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of three 1-gallon containers and twenty-four 6-ounce bottles of Neol, remaining in the original unbroken packages at North Sacramento, Calif., alleging that the article had been shipped in interstate commerce, on or about May 27, 1932, by the Gland O Lac Co., from Omaha, Nebr., into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a petroleum oil containing small proportions of thymol, menthol, eucalyptol, and guaiacol, and a trace of iodine.

It was alleged in the libel that the article was misbranded in that the following statement appearing in the circular, regarding its curative and therapeutic effect, was false and fraudulent: "The Fastest Selling Roup Remedy on the Market."

On March 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20739. Misbranding of Dr. Hale's Household ointment and Dr. Hale's Household pills. U. S. v. 63 Small Packages of Dr. Hale's Household Ointment, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27966. I. S. no. 39089. S. no. 6000.)

Examination of the drug products involved in this case disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 30, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 63 small packages and 10 large packages of Dr. Hale's Household ointment, and a sample of Dr. Hale's Household pills, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped in interstate commerce on or about February 9, 1932, by Kenyon & Thomas Co., from Adams, N. Y., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the ointment consisted of essential oils (approximately 6 percent) including turpentine oil and camphor, and petrolatum (approximately 94 percent); and that the pills contained extracts of plant drugs, including laxative drugs such as aloë and podophyllum, and anise oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circulars shipped with the articles, regarding their curative and therapeutic effects, were false and fraudulent: (Dr. Hale's Household ointment) "Relieves Pain and Allays Inflammation * * * For Relief Of Cold in * * * Chest, Croup, Eczema, * * * Rheumatic Pains, Boils, * * * Wounds and Sores. Piles. * * * for relieving pain and allaying inflammation. * * * General Directions For Using * * * in throat affections * * * for catarrh. * * * Rheumatism * * * Croup—In this dangerous disease, relief is effected if applied in season. Apply freely to the throat and chest * * * In any inflamed condition of the lungs or bronchial tubes, apply freely to the chest and between the shoulders. * * * Catarrh— * * * Eczema—Salt Rheum and Skin Eruptions yield easily in a * * * satisfactory manner. It extracts the poison and heals rapidly. * * * heals quickly. * * * for Erysipelas, Eczema, Salt Rheum * * * Hemorrhoids or Piles— * * * Sore Throat— * * * Inflamed Sore Eyes— * * * If feet are sore, * * * Rheumatism—Yield to the influence of this ointment. * * * Ulcerated Sores * * * are obstinate affections and will require perseverance * * * Bind up the sore twice a day with fresh Ointment. It tends to reduce the inflammation and extract the irritation humors. It rarely fails if properly applied and persevered in. Toothache— * * * Earache— * * * removes the inflammation * * * heals the flesh * * * Hay Fever— * * * it is powerful in allaying pain and reducing inflammation. * * * in throat and bronchial affections. * * * in Throat and Lung Affections. * * * for Catarrh. * * * For Piles * * * Piles * * * For Salt Rheum and Eczema * * * for * * * Rheumatism * * * [testimonials in circular] * * * hay fever and asthma * * * I got hold of your * * * Ointment * * * I had to sit up in my bed as I could not get my breath when lying down. Now I can lie down and sleep all night.' * * * 'It cured my son of eczema.'"; (Dr. Hale's Household pills, (circular) "For Indigestion. Bilioussness, Headache, * * * Dizziness, Bad Breath, Jaundice, * * * Low Spirits, Pain in Side, and every form of Liver Complaint. * * * These pills * * * have a direct and specific action upon the liver * * * The Liver Is the largest organ in the human body, weighing about four lbs. in a man. It is situated principally in the right side of the upper part of the abdomen; its length is about ten inches and its width six or seven. The functions of the liver are the most important of any organ of the body, as every one knows. The liver secretes bile; as the blood passes through the liver the bile is extracted from the blood by the action of the liver. The quantity of bile secreted by a man is from seventeen to twenty-four ounces daily, hence it is of the utmost importance that the liver should be healthy in order to perform its functions properly. The symptoms of liver complaint are many, such as a sense of weight and pain in the right side and shoulder or between the shoulder blades, yellowish or pale complexion, great depression of spirits, loss of appetite, costiveness of the bowels, the urine or water is highly colored and deposits a red sediment and ropy mucus. This complaint is generally attended with more or less fever, a dry heat with a dull pain in the right side, the tongue is much coated, a foul bad tasting mouth, skin and white of eyes a yellow color, the stools resembling a clay color. In all stages of liver complaint use Dr. Hale's Household Pills, whether it be sick headache arising from a sluggish action of the liver and the presence of bile in the stomach, or whether it be of a more serious character such as abscess of the liver or the forming of gall stones. We know no remedy more effective to restore the liver to a proper and healthy condition than Dr. Hale's Household Pills. * * * they have a direct and specific action upon all the secretions of the liver. * * * always help the liver. Directions * * * In cases of liver complaint of long standing or a bilious condition of the system * * * great merits in all liver complaints."

On April 26, 1932, no claimant having appeared, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20740. Misbranding of Hutchison's Big Head liniment. U. S. v. 29 Small Bottles and 65 Large Bottles of Hutchison's Big Head Liniment. No claim entered. Verdict for the Government. Decree of condemnation and destruction. (F. & D. no. 27972. I. S. nos. 53667, 53668.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the carton and bottle labels, and in a leaflet and testimonials accompanying the article.

On April 5, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 29 small bottles and 65 large bottles of Hutchison's Big Head liniment, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about January 9, 1932, by the Hutchison Medicine Co., from Texarkana, Tex., to Shreveport, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a petroleum distillate such as kerosene, turpentine oil and a trace of mercuric chloride.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton, large) "Big Head * * * A Remedy For Big Head * * * Fistula, Poll Evil * * * Splint * * * Spavin, Ring Hoof * * * is good for human ailments. * * * for Rheumatism * * * Sciatica, Lumbago, Lame Back * * * Soreness in the Chest, Side or Back and Cramps in the Muscles. * * * And Bunions * * * for human ailments, such as rheumatism, * * * sciatica, lumbago, lame back, stiff joints, * * * pains in the side and back, cramps in the muscles and sore throat. A fine remedy in treating pneumonia and stubborn coughs, when applied to the chest, will relieve the tightness and loosen up the cough in a remarkable manner * * * for any ailment * * * Any one troubled with piles will find this Liniment an excellent remedy. It takes out the soreness and helps to remove the small tumors usually found in such cases * * * [Testimonials] 'I had a horse with the worst case of fistula I ever saw and doctored it with everything I knew of with no success, but after using Big Head Liniment the horse is now sound and well and am working him every day.' * * * and other ailments * * *; ' * * * it relieves croup and sore throat'; * * * For Fistula After the Knife Failed * * * ' * * * with fistula of two years' standing, * * *; ' * * * great results on two cases fistula'; * * * 'No remedy I have ever used gives such good results for fistula and pollevil.'"; (carton and bottle label, small) "Recommended by us in treating muscular rheumatism and cramps, lumbago, sciatica, * * * pleurisy pains, * * * stiff neck or back, bronchial coughs, sore throat * * * ordinary sores"; (small bottle label, only) "For tightness in chest * * * ordinary sore throat"; (large bottle label, front) "Big Head * * * A Remedy For Big Head, * * * Fistula, Poll Evil, * * * Splint, * * * Spavin, Ring Hoof, * * * Sores of any kind"; (large bottle label, back) "For human ailments such as rheumatism * * * sciatica, lame back, lumbago, stiff joints, * * * boils, felons, cramps, sore throat, pains in the side or chest * * * in case of pneumonia or stubborn coughs will relieve the tightness and loosen up the cough in a remarkable manner. For piles it relieves the soreness and helps remove the small tumors found in such cases, * * * numerous ailments * * * for human ailments. * * * to parts affected * * * and in bad cases"; (leaflet) "Big Head * * * a cure * * * For fistula and poll evil which are the same disease in character, * * * where the fistula is discharging * * * Fistula and Poll-evil are rather deep seated but the Big Head Liniment is very penetrating and brings the disease to the surface. * * * For Big Head, * * * splint, spavin, ring bone * * * for splint, spavin and ring bone, be sure to rub the enlargement briskly, * * * The Liniment will readily remove the soreness or lameness but it takes a little time and patience to remove the enlargement * * * other lameness in the shoulders and front legs, * * * for any ailment on man or beast."

On June 9, 1932, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment

of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20741. Misbranding of Hydropin. U. S. v. 3 Boxes of Hydropin. Default decree of condemnation and destruction. (F. & D. no. 28671. Sample no. 1117-A.)

Examination of the drug preparation Hydropin disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On August 25, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of three boxes of Hydropin, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 25, 1932, by the Bika Biochemical Laboratories, from Philadelphia, Pa., to Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of tablets composed of milk sugar, a small proportion of organic nitrogenous material, ground plant material, inorganic salts (approximately 2.6 percent) including calcium phosphate, traces of potassium, sodium, iron and manganese chlorides and sulphates, and an insoluble silicate such as talc.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Circular) "(Remedy for dropsy) Due to the peculiar difficulties encountered in the dropsical malady, an effective remedy to which all types of dropsy respond, has been a task of the greatest patient research; the result of which is—Bika-hydropin. * * * contains hormones which react favorably upon the circulation, and the evacuation-system, * * * exert a radical change toward normalizing the circulatory system Away from the tendency of dropsical production. * * * All form of Exsudate and Transudate (when high blood pressure is not present), Pleuritis, Pericarditis, Peritonitis. The various forms of ascites, dropsy of the joints; all other forms of dropsy. Exsudative, diathese, hydraemie. * * * An essential function of gland therapy is its ability to directly influence the encretory glands, in the event of an under production of hormones—with its resulting disturbance of the health balance. The unique effectiveness of Bika gland remedy lies in its ability to restore the equal balance of hormone production; encouraging uninterrupted hormone production in normal, minute quantities, acceptable to the blood-stream. Recognizing the fact that the human organism reacts unfavorably when hormone-production balance is disturbed; Bika gland remedy attacks and equalizes this condition. Heretofore, the effective introduction of hormone-stimulating preparations were hampered by the necessity of the hyperdermic method; which restricted the physician to a minute and oft-repeated dosage, with its frequently unpleasant reactions and manifestations. This condition was the lesser evil compared to the hyperdermic, which introduced a greater mass of hormones, thereby forcibly creating a rapid rise in the hormone balance—the sudden shock attended by alarming physiological reactions. Vastly superior in effectiveness * * * the law of reabsorption and metabolism, encouraging and stimulating effected glands into normal productivity. * * * assures an established, permanent hormone balance."

On March 31, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20742. Misbranding of Percholin. U. S. v. 10 Boxes of Percholin. Default decree of condemnation and destruction. (F. & D. no. 28673. Sample no. 1121-A.)

Examination of the drug preparation Percholin disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On August 25, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 10 boxes of Percholin, remaining in the original unbroken packages at

Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 2 and May 17, 1932, by the Bika Biochemical Laboratories, from Philadelphia, Pa., into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of tablets composed of milk sugar, starch, ground plant material, a small proportion of organic nitrogenous material, and 1.1 percent of inorganic material including sodium, potassium, calcium, iron, manganese, and magnesium sulphates and phosphates, and an insoluble silicate.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Circular) "A safe, reliable remedy to reduce high blood pressure. The effectiveness of Bika Percholin is enhanced through the properties of cholin, which exerts a restraining influence upon the too free manufacturing of hormones in the kidney region. Thyroid and spleen hormones, combined with magnesium salt and vitamins, produce an irresistible remedy, conquering high blood pressure conditions, irrespective of the particular cause or governing conditions. Bika-Percholin also encourages sluggish bowel movement into normal activity, even to the extent of restoring to normal a paralysis-of-the-bowel condition. * * * High blood pressure (types due to various causes) sluggish bowels. * * * An essential function of gland therapy is its ability to directly influence the excretory glands, in the event of an under or over production of hormones—with its resulting disturbance of the health balance. The unique effectiveness of Bika gland remedy lies in its ability to restore the equal balance of hormone production; encouraging uninterrupted hormone production in normal, minute quantities, acceptable to the bloodstream. Recognizing the fact that the human organism reacts unfavorably when hormone-production balance is disturbed; Bika gland remedy attacks and equalizes this condition. Heretofore, the effective introduction of hormone-stimulating preparations were hampered by the necessity of the hyperdermic method; which restricted the physician to a minute and oft-repeated dosage, with its frequently unpleasant reactions and manifestations. This condition was the lesser evil compared to the hyperdermic, which introduced a greater mass of hormones, thereby forcibly creating a rapid rise in the hormone balance—the sudden shock attended by alarming physiological reactions. Vastly superior in effectiveness * * * the law of reabsorption and metabolism, encouraging and stimulating effected glands into normal productivity. * * * assures an established, permanent hormone balance."

On March 31, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20743. Misbranding of Osteon. U. S. v. 8 Boxes of Osteon-Masc. and 9 Boxes of Osteon-Fem. Default decree of condemnation and destruction. (F. & D. nos. 28677, 28678. Sample nos. 13603-A, 13604-A.)

This case involved two lots of a drug preparation, labeled Osteon-Masc. and Osteon-Fem. and accompanied by circulars containing identical curative claims. Analyses showed that the articles contained no medicinal agents capable of producing the curative and therapeutic effects claimed.

On August 25, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 8 boxes of Osteon-Masc., and 9 boxes of Osteon-Fem., remaining in the original unbroken packages at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce between the dates of December 23, 1931 and April 21, 1932, by the Bika Biochemical Laboratories, from Philadelphia, Pa., into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Osteon-Masc. consisted of tablets containing essentially milk sugar, starch, a small proportion of organic nitrogenous material, ground plant material and 2.8 percent of inorganic material, including an insoluble silicate such as talc, calcium phosphate, potassium, sodium, magnesium, iron and manganese sulphates and chlorides; and that Osteon-Fem. consisted of tablets composed of milk sugar, starch, a small proportion of organic nitrogenous material, ground plant material and 3.6 percent of inorganic material including an insoluble

silicate such as talc, calcium phosphate, and small proportions of potassium, sodium, magnesium, iron and manganese sulphates and chlorides.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Circular) "Osteon Male Female * * * Every type of retarded development and weakness are the result of inability of body organs to retain the necessary quantity of cell-salts; a contributing factor is a disturbed condition of certain incretory glands. Among the glands influencing growth and calcium production, the hypophyse and the germinative are of major importance. Their efficacy is enhanced by the vitamine content of osteon. The mineral salts, by virtue of a newly discovered method, are produced in readily absorbable form; calcium phosphate has proved the foundation key of the blood-cell formation. Jod, in minute quantities encourages metabolism. Bika-osteon, due to its constituents and balance, offers a most superior remedy for: * * * Rickets, stunted-growth, atrophy, scrofula, faulty digestions. * * * An essential function of gland therapy is its ability to directly influence the encretory glands, in the event of an under production of hormones—with its resulting disturbance of the health balance. The unique effectiveness of Bika gland remedy lies in its ability to restore the equal balance of hormone production; encouraging uninterrupted hormone production in normal, minute quantities, acceptable to the blood-stream. Recognizing the fact that the human organism reacts unfavorably when hormone-production balance is disturbed; Bika gland remedy attacks and equalizes this condition. Heretofore, the effective introduction of hormone-stimulating preparations were hampered by the necessity of the hyperdermic method; which restricted the physician to a minute and oft-repeated dosage, with its frequently unpleasant reactions and manifestations. This condition was the lesser evil compared to the hyperdermic, which introduced a greater mass of hormones, thereby forcibly creating a rapid rise in the hormone balance—the sudden shock attended by alarming physiological reactions. Vastly superior in effectiveness * * * the law of reabsorption and metabolism, encouraging and stimulating effected glands into normal productivity. * * * assures an established, permanent hormone balance."

On March 31, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20744. Misbranding of Vita salve and Ol De Vita. U. S. v. 250 Tubes of Vita Salve and 144 Bottles of Ol de Vita. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28670, 28674. Sample nos. 1116-A, 1124-A.)

Examination of the products covered by these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological tests of the Ol De Vita showed that it was not bactericidal, as claimed.

On August 25, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 250 tubes of Vita salve and 144 bottles of Ol De Vita, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce, the former on or about July 16, 1931, and the latter on or about July 16, 1932, by the Bika Biochemical Laboratories, from Philadelphia, Pa., into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Ol De Vita consisted of essential oils including peppermint oil. Bacteriological examination showed that the article undiluted failed to kill a resistant strain of *Staphylococcus aureus* in 1 hour at body temperature; and that Vita salve consisted essentially of petrolatum, paraffin, and 21.4 percent of volatile oils including peppermint oil and methyl salicylate.

It was alleged in the libel filed against the said Ol De Vita that the article was misbranded in that the following statements appearing on the bottle and wrapper label were false and misleading, since it was not bactericidal: "Properties: destroys cold and catarrhal pus bacilli when taken internally—10 to 20 drops, in tablespoonful water twice daily." Misbranding of both products was alleged for the reason that the following statements regarding the curative and

therapeutic effects of the articles were false and fraudulent: (Ol De Vita, bottle and wrapper label) "Ol De Vita * * * Properties: destroys cold and catarrhal pus bacilli when taken internally—10 to 20 drops, in tablespoonful water, twice daily. External rubbing on effected parts, relieves and conquers rheumatic conditions"; (Ol De Vita, circular) "Ol De Vita * * * healing * * * relieves various types of pain caused by: * * * ear-ache, tooth-ache, * * * dislocations, indigestion and muscular rheumatic conditions. * * * for anointing * * * eruptions of the skin, * * * for colds of the nose and throat. * * * as a tonic for nervousness and chronic weak nerves and sleeplessness. * * * as a recuperative in cases of mental and bodily exhaustion. * * * most effective (diluted with olive oil) in dissolving gall stones, neutralizes uric acid blood content. * * * in promoting health of mouth and teeth; perfecting the health and beauty of the features. * * * to promote healthy hair growth. * * * and sometimes elimination of hemorrhoids (piles). * * * effective in combating diseases of animals and fowls. * * * Most effective remedy in emergency and chronic cases. * * * Apply a few drops to pain area, * * * In rheumatic conditions * * * For internal treatment: 10 drops on a small lump of sugar or tablespoonful of water or tea"; (Vita salve, carton) "Remedy for Many Ailments * * * Ol de Vita * * * Vita Salve * * * Healing"; (Vita salve, tube) "Vita-Salve * * * Skin Eruptions— * * * Rheumatism."

On March 31, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20745. Misbranding of Lymphin. U. S. v. 8 Boxes of Lymphin-Masc. and 20 Boxes of Lymphin-Fem. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28675, 28676. Sample nos. 13601-A, 13602-A.)

This case involved two lots of drug preparations, labeled Lymphin-Masc. and Lymphin-Fem., accompanied by circulars containing identical curative claims. Analyses showed that the articles contained no medicinal agents capable of producing the curative and therapeutic effects claimed.

On August 25, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 8 boxes of Lymphin Masc. and 20 boxes of Lymphin Fem., remaining in the original unbroken packages at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce between the dates of April 14, 1932 and May 2, 1932, by the Bika Biochemical Laboratories from Philadelphia, Pa., into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Lymphin-Masc. consisted of tablets consisting essentially of milk sugar, starch, ground plant material, a small proportion of organic nitrogenous material, and 1.4 percent of inorganic material including iron, calcium, sodium, potassium and magnesium phosphates, sulphates and chlorides; and that Lymphin-Fem. consisted of tablets composed of milk sugar, starch, ground plant material, a small proportion of organic nitrogenous material and 0.6 percent of inorganic material including calcium, potassium, sodium, iron and magnesium phosphates, chlorides and sulphates.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects were false and fraudulent: (Circular) "Lymphin Male. Female. * * * Among the constitutionally weak, the lymphically-inclined patient, is incapable of resisting the assaults of stress or disease; youth and mature age are susceptible to lymphic tendencies. Disturbances in the thymus gland produce a lymphic condition. Tendency toward childishness in old age, is one of the several manifestations, also thymus-hyperplasie and thymus-persistenz. As is known, in youth, the thymus and germinative gland exert a profound influence upon each other. In view of the fact of the close interrelation of the thymus, germinative and hypophyse glands, Bika-lymphin is the remedy overcoming a disturbance in their normal functioning. Bika-lymphin also reaches the many disturbances of body and intellect old age is heir to. Symptoms: Lymphatic constitution, Lymphatic anemia, goitre, (protruding eyeball-type, accompanied by trembling, rapid heart action) scrofula, weakness of old age. * * * An essential func-

tion of gland therapy is its ability to directly influence the encretory glands, in the event of an under production of hormones—with its resulting disturbance of the health balance. The unique effectiveness of Bika gland remedy lies in its ability to restore the equal balance of hormone production; encouraging uninterrupted hormone production in normal, minute quantities acceptable to the bloodstream. Recognizing the fact that the human organism reacts unfavorably when hormone-production balance is disturbed; Bika gland remedy attacks and equalizes this condition. Heretofore, the effective introduction of hormone-stimulating preparations were hampered by the necessity of the hyperdermic method; which restricted the physician to a minute and oft-repeated dosage, with its frequently unpleasant reactions and manifestations. This condition was the lesser evil compared to the hyperdermic, which introduced a greater mass of hormones, thereby forcibly creating a rapid rise in the hormone balance—the sudden shock attended by alarming physiological reactions. Vastly superior in effectiveness * * * the law of reabsorption and metabolism, encouraging and stimulating effected glands into normal productivity. * * * assures an established, permanent hormone balance.”

On March 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20746. Adulteration and misbranding of ginger. U. S. v. Samuel H. Niman. Plea of guilty. Fine, \$100. (F. & D. no. 26616. I. S. no. 026589.)

This action was based on an interstate shipment of extract of Jamaica ginger that was represented to be of pharmacopoeial standard. Examination showed that the article did not conform to the requirements of the United States Pharmacopoeia; since it was deficient in ginger extractives and phenols were found, which are not present in the pharmacopoeial product. The article also contained less alcohol than declared on the carton and bottle.

On December 3, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Samuel H. Niman, Worcester, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 21, 1930, from the State of Massachusetts into the State of Rhode Island, of a quantity of extract of Jamaica ginger that was adulterated and misbranded. The article was labeled in part: (Carton) “Niman’s Brand Pure Extract Jamaica Ginger Pure Alcohol about 90% * * * Bottled by S. H. Niman, Worcester, Mass.”; (bottle) “Niman’s Pure Fluid Extract of U. S. P. Ginger Alcohol Approx. 85%.”

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that the pharmacopoeia provided that 1,000 grams of ginger should yield 1,000 cubic centimeters of the article; whereas the article was deficient in material derived from ginger, and contained a phenolic compound not mentioned as a constituent of fluidextract of ginger by the said pharmacopoeia; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement “Alcohol about 90%”, borne on the carton, and the statements, “Pure Fluid Extract of U. S. P. Ginger, * * * Alcohol Approx. 85%”, borne on the bottle label, were false and misleading, since it contained less than 85 percent of alcohol and was not fluidextract of ginger that conformed to the standard laid down in the said pharmacopoeia. Misbranding was alleged for the further reason that the article was a mixture deficient in material derived from ginger, and which contained a phenolic compound, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and was sold under the name of another article; and for the further reason that it contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On January 11, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20747. Misbranding of Veronica water. U. S. v. 20 Cases of Veronica Water. Product adjudged misbranded and ordered released under bond to be relabeled. (F. & D. no. 27925. I. S. no. 47299. S. no. 5967.)

Examination of the mineral water involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 18, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 20 cases of Veronica water at Cincinnati, Ohio, consigned by the Veronica Mineral Springs Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce, from Chicago, Ill., into the State of Ohio, on or about July 31, 1931, and January 28, 1932, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of a sample of the article by this Department showed that it consisted essentially of a mineral water containing Epsom salt and other salts commonly found in ground water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the label, were false and fraudulent: (Bottle) "'The Water Way to Health'

* * * Stomach and Bowel Disorders Traceable to Faulty Elimination. It is very beneficial in Liver and Kidney Troubles. * * * In obstinate cases take hot until satisfactory elimination is obtained, * * * until system is thoroughly cleansed, * * * until it is no longer needed. * * * Veronica Water enjoys the endorsement of physicians of recognized standing throughout the country. * * * It neutralizes the acids of the stomach and expels the gas."

On June 17, 1932, the Shasta Water Co., having filed a claim for the property, admitting the allegations of the libel and consenting to the entry of a decree of condemnation, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20748. Adulteration and misbranding of capsules: phenyl salicylate, salol, and acetphenetidin; sodium salicylate; sedative; cinchophen; Cystitans; Mixed Treatment; Blaud modified; Asthmans; Dalgierine, formin compound; calomel compound; luminal (phenobarbital); and Rheumatans. U. S. v. The Philadelphia Capsule Co., Inc., and Joseph McManus. Plea of nolo contendere. Judgment of guilty. Philadelphia Capsule Co. fined \$100; Joseph McManus fined \$50. (F. & D. no. 28142. I. S. nos. 29831 to 29835, incl., 29838, 29840, 29842 to 29848, incl.)

This case was based on the interstate shipment of various drugs in capsule form, which analyses showed contained one or more of the essential drugs in amounts varying materially from the labeled content. Investigation further disclosed that the labels of certain of the products bore unwarranted curative and therapeutic claims.

On January 9, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Philadelphia Capsule Co., a corporation, and Joseph McManus, of Philadelphia, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 14 and April 16, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of drugs that were adulterated and misbranded.

The information charged that all the products were adulterated in that they fell below the professed standard and quality under which they were sold; that they were misbranded because certain statements in the labels purporting to show the amount of the essential drugs contained in the products, were false and misleading; and in the case of certain of the products that they bore statements on the labels, regarding their curative and therapeutic effects, that were false and fraudulent.

The products involved in the shipments consisted of the following: One lot of capsules, labeled "Phenyl Salicylate, 5 Grains", contained not more than 3.981 grains each of the drug, and were falsely and fraudulently represented to be effective as an intestinal antiseptic that would render the urine

sterile; effective as a remedy for chronic inflammation of the bladder; and effective to check fermentation and flatulence and to arrest putrefactive changes in intestinal disorders.

One lot, labeled in part "Each Capsule Represents * * * Acetphenetidin 2½ Grs.," contained more than 2½ grains of acetphenetidin, namely, not less than 3.13 grains; and were falsely and fraudulently represented to be effective as a treatment for reflex neuralgic and rheumatic pains, and for the febrile stage of influenza, intercostal neuralgia, and migraine due to intestinal fermentation, and effective as a treatment in acute attacks of tonsillitis.

One lot of capsules, labeled "Sodium Salicylate—5 Grains", contained not more than 4.462 grains each of sodium salicylate.

One lot, labeled in part "Capsules Sedative represents Ammonium Bromide 2½ Gr.", contained not more than 2.267 grains each of ammonium bromide; and were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for nervousness and insomnia due to overwork or worry, sexual excess, epilepsy, and delirium.

One lot, labeled "Capsules Cinchophen U. S. P. 5 and 7½ Grs.", contained not more than 3.507 grains each of cinchophen; and were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for acute or chronic gout, rheumatism, neuralgia, and all conditions due to abnormal uric acid metabolism, and effective to neutralize uric acid and prevent formation of insoluble urates.

One lot, labeled "Capsules Cystitans Represents Formin 2 Gr.", contained not more than 1.528 grains of formin; and were falsely and fraudulently represented to be effective as a treatment for cystitis and chronic diseases of the genito-urinary tract; effective as an antiseptic; effective as a treatment for calculous affections, acute and chronic cystitis, prostatic irritation, the enuresis of old men, vesical catarrh, nonspecific urethritis, irritable bladder, phosphatic deposits, alkaline fermentation in the bladder, vesical tenesmus, and the sequelae of gonorrhea.

One lot, labeled "Capsules Mixed Treatment Represents Potassium Iodide 2 Grs.", contained not more than 1.038 grains each of potassium iodide; and were falsely and fraudulently represented to be effective as a treatment for secondary syphilis; effective for the treatment of syphilis in the tertiary stage; effective for the treatment of syphilitic ulcer, syphiloma of the nervous system, syphilitic, visceral, and skin lesions, and many other manifestations of the disease.

One lot, labeled "Capsules Blaud Modified Represents * * * Arsenous Acid 1-50 gr.", contained not more than 0.0153 (1-65) grain each of arsenous acid; and were falsely and fraudulently represented to be effective as a treatment for debility following fever or exhausting diseases; and effective as a treatment for anaemia, neurasthenia, and neuralgias dependent upon debilitated conditions.

One lot, labeled "Capsules Asthmans Represents * * * Cal. Iodide ¼ gr. * * * Caff Cit ½ gr.", contained not more than 0.0362 grain, i.e., 1/28 of a grain each of calcium iodide, and not more than 0.0476 grain, i.e., 1/21 grain each of caffeine citrate; and were falsely and fraudulently represented to be effective as a treatment for the trouble characterized by want of breath, acute and chronic asthma, whooping cough, croup, and chronic bronchitis with asthmatic breathing.

One lot, labeled "Capsules Dalgerine Represents Aspirin 2 gr. Acetphenetidine 2 gr.", contained not more than 1.386 grains each of aspirin, and contained not more than 1.419 grains each of acetphenetidin; and were falsely and fraudulently represented to be effective as a treatment for gastralgia, la grippe, and nervous coughs, effective as an exceedingly valuable antirheumatic, effective as efficient in all conditions associated with pain, and effective to act without producing mental excitement or exhilaration.

One lot of capsules, labeled "Formin Comp. Represents * * * Soda Benzoate 3 gr." contained not more than 2.169 grains each of sodium benzoate; and were falsely and fraudulently represented to affect favorably the entire urinary tract from the glomeruli of the kidneys to the meatus of the urethra; and effective as a treatment for pyelitis, pyelonephrosis, cystitis, prostatitis, or gonorrhea.

One lot, labeled "Capsules Calomel Comp. Represents Calomel 2 Grs. Mass Mercury 2 Grs.", contained less than 2 grains of calomel each and less than 2 grains of mass mercury; and were falsely and fraudulently represented to be

effective as a treatment of especial value in hepatic torpor, and effective to relieve dropsical effusions.

One lot, labeled "Capsules Luminol 1 Gr. (Phenobarbital U. S. P.)", contained not more than 0.886 grain each of luminal, i.e., phenobarbital U. S. P.

One lot, labeled "Capsules Rheumatans Represent Strontium Salicylate 5 grs.", contained not more than 3.639 grains each of strontium salicylate; and were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for rheumatism and gout; effective to allay the gastric irritability and to promptly relieve the pain and fever, effective to improve digestion and correct and prevent fermentation and flatulence, effective as a very valuable remedy in muscular and subacute rheumatism and gouty conditions with a tendency to digestive disturbances, and effective as an intestinal antiseptic.

On March 20, 1933, a plea of *nolo contendere* to the information was entered and the court pronounced judgment, finding the defendants guilty and ordering that the Philadelphia Capsule Co. pay a fine of \$100, and that Joseph McManus pay a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20749. Adulteration and misbranding of fluidextract of ginger. U. S. v. Leo Elbaum. Plea of guilty. Fine, \$100. (F. & D. no. 26585. I. S. no. 026453.)

This case was based on the interstate shipment of a quantity of fluidextract of ginger represented to be of pharmacopoeial standard and that contained very much less ginger extractive and a smaller proportion of alcohol than required by the United States Pharmacopoeia. The label of the article bore unwarranted curative and therapeutic claims.

On December 3, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Leo Elbaum, Dorchester, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 24, 1930, from the State of Massachusetts into the State of Rhode Island, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: "Fluid Extract of Ginger U. S. P. Alcohol Approximately 85% by volume."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of the investigation, since it contained 63.4 percent by volume of alcohol and contained not more than 0.744 gram per 100 cubic centimeters of soluble material; whereas the pharmacopoeia provided that fluidextract of ginger should contain not less than 78 percent by volume of alcohol and should contain soluble material approximating 4 grams per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement, "Fluid Extract of Ginger U. S. P. Alcohol * * * 85% by volume", borne on the bottle label, was false and misleading, since the article was not fluidextract of ginger that conformed to the standard laid down in the United States Pharmacopoeia, and contained less than 85 percent by volume of alcohol. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein, since the statement made was incorrect. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the label, falsely and fraudulently represented that it was effective as a family medicine for the relief of cramps and diarrhoea.

On December 28, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20750. Misbranding of Sister Mary's compound. U. S. v. William R. Griffin (Stanley-Griffin Co.). Plea of nolo contendere. Fine, \$25. Sentence suspended. (F. & D. no. 28059. I. S. nos. 36001, 40321.)

Examination of the drug preparation, Sister Mary's compound, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article. Analyses showed that the article was not a mixture of simple natural ingredients, or a combination of nature's remedies, as claimed in the circular.

On February 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William R. Griffin, trading as the Stanley-Griffin Co., Lowell, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 28, 1931, from the State of Massachusetts into the State of Wisconsin, and on or about October 4, 1931, from Massachusetts to Iowa, of quantities of Sister Mary's compound that was misbranded. The article was labeled in part: "Sister Mary's Compound * * * Stanley-Griffin Co. Roche & Griffin, Mfgs. Lowell Mass."

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of extracts of plant drugs, sulphur, cream of tartar, charcoal and menthol, glycerin, sugar, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding its curative and therapeutic effects, appearing on the labels of the bottles and cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for ailments of the stomach, throat, and lungs, and as a blood purifier and body builder; effective as a treatment, remedy, and cure for indigestion, dizziness, biliousness, nervousness, auto-intoxication, catarrh and other poisonous and irritating conditions and ailments of the throat and mouth, bronchitis, laryngitis, pharyngitis, tonsillitis, and other throat ailments, thin and impoverished blood, pimples, sallow skin, wasting diseases of the stomach, throat, lungs, and kidneys, coughs, whooping cough and worms; effective as a preventive in diseases of children; effective as a treatment, remedy, and cure for ailments of the stomach, throat, lungs, bowels, and blood; effective as a general tonic for loss of flesh; and effective as a treatment for consumption. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing in the circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for nerve diseases, stomach trouble, indigestion, sourness, burning, gas, nausea, and bloating, disease of the heart, liver and kidneys; effective as a remedy to restore that vigorousness that means health; effective as a preventive of tuberculosis; effective as a blood purifier and body builder; effective as a remedy for worms; effective as a treatment, remedy, and cure for throat and bronchial troubles; effective as an ideal healing agent for all irritations of the throat; effective as a treatment, remedy, and cure for bronchitis, hoarseness, croup and bronchial asthma, stomach and lung trouble; effective as a preventive treatment and remedy for children's diseases; effective as a treatment, remedy, and cure for stomach and intestinal trouble; and effective as a treatment, remedy, and cure for coughs, and for consumption. Misbranding was alleged for the further reason that the following statements appearing in the circular, "Sister Mary's Compound is a mixture of simple, natural ingredients. This preparation is a combination of Nature's remedies", were false and misleading, since the article was not a mixture of simple, natural ingredients, and was not a combination of nature's remedies.

On March 13, 1933, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25, which sentence was suspended.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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¹ Contains instructions to the jury.